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STATE OF NORTH DAKOTA

GENERAL SCHOOL LAWS

Comprising all the Laws in Force Pertaining to Public Schools

PUBLISHED BY
DEPARTMENT OF PUBLIC INSTRUCTION
E. J. TAYLOR, Superintendent
MARCH 15, 1911

Published by Authority

FARGO, N. D.
KNIGHT PRINTING COMPANY
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THIS VOLUME IS STATE PROPERTY.

And is for the use of

of School District No.....

County of State of North Dakota.

School officers on retiring from office are required by law to deliver this volume, with all other books and documents of an official character, to their successors in office.

2.7.5 Dec. 1871

INTRODUCTORY

This volume contains all the school laws in force pertaining to the rural, graded, consolidated and high schools of the state. Hereafter the school laws will be published in full only once in four years. The next complete edition will be published in 1915. County Superintendents should furnish copies of the school laws only to those entitled by law to receive them. School officers and others should be instructed to preserve their copies carefully and deliver them to their successors in office.

E. J. TAYLOR,

Supt. of Public Instruction.

Bismarck, N. D.

March 15, 1911.



CONGRESSIONAL ENACTMENT

ORGANIC LAW.

NARCOTICS.

§ 75. The nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and in the military and naval schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools by the use of text books in the hands of pupils where other branches are thus studied in said schools, and by all pupils in all said schools throughout the territories in the military and naval academies of the United States and in the District of Columbia and in all Indian and colored schools in the territories of the United States.

§ 76. It shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this act or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this act, for all the pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

§ 77. No certificate shall be granted to any person to teach in the public schools of the District of Columbia or territories, after the first day of January, anno Domini eighteen hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and effects of alcoholic drinks and other narcotics upon the human system.

Act of congress approved May 20, 1886.

RESERVATION OF SCHOOL LANDS.

§ 88. Sections numbered sixteen and thirty-six in each township of the territories of * * * Dakota * * * shall be reserved for the purpose of being applied to schools in the several territories herein named, and in the states and territories hereafter to be erected out of the same.

Section 1846 R. S. U. S., 1874, approved March 2, 1861. (See, also, Enabling Act, section 10, post.)

ENABLING ACT.

[Approved February 22, 1889.]

§ 4. PROVIDING FOR THE CONSTITUTIONAL CONVENTIONS FOR NORTH DAKOTA, SOUTH DAKOTA, MONTANA AND WASHINGTON.] And said convention shall provide by ordinances irrevocable without the consent of the United States and the people of said states:

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all children of said states, and free from sectarian control.

§ 10. That upon the admission of each of said states into the union, sections numbered sixteen and thirty-six in every township of said proposed states, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section * * * are hereby granted to said states for the support of common schools.

§ 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

§ 13. That five per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the union, after deducting all expenses incident to the same, which shall be paid to the said states, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said states, respectively.

§ 14. That the lands granted to the territories of Dakota and Montana by the act of February 18, 1881, * * * are hereby vested in the states of South Dakota, North Dakota and Montana respectively, * * * to the extent of the full quantity of seventy-two sections to each of said states, * * * but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. * * * None of the lands granted in this section shall be sold at less than \$10 per acre; but said lands may be leased in the same manner as

provided in section 11 of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of the said states, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university. * * *

§ 16. That 90,000 acres of land, to be selected and located as provided in section 10 of this act, are hereby granted to each of said states, except to the state of South Dakota, to which 120,000 acres are granted, for the use and support of agricultural colleges in said states, as provided in the acts of congress making donations of lands for such purpose.

§ 17. That in lieu of the grant of land for purposes of internal improvement made to new states by the eighth section of the act of September 4, 1841, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them, under the act of September 28, 1850, and section 2479 of the revised statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of lands are hereby made, to-wit:

To the State of South Dakota: For the school of mines, 40,000 acres; for the reform school 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the agricultural college, 40,000 acres; for the university, 40,000 acres; for the state normal schools, 80,000 acres; for public buildings at the capital of said state, 50,000 acres, and for such other educational and charitable purposes as the legislature of said state may determine, 170,000 acres; in all 500,000 acres.

To the State of North Dakota a like quantity of land as in this section granted to the state of South Dakota and to be for like purposes, and in like proportion as far as practicable.

CONSTITUTIONAL PROVISIONS

[Adopted October 1, 1889]

PREAMBLE.

We the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this Constitution.

ARTICLE II.

THE LEGISLATIVE DEPARTMENT.

§ 69. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

* * * * *

12. Providing for the management of common schools.

ARTICLE III.

§ 82. There shall be chosen by the qualified electors of the state at the time and places of choosing members of the legislative assembly a * * * superintendent of public instruction * * * who shall have attained the age of twenty-five years, shall be a citizen of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of two years, and until their successors are elected and duly qualified.

§ 83. The powers and duties of the * * * superintendent of public instruction, * * * shall be as prescribed by law.

§ 84. Until otherwise provided by law, the * * superintendent of public instruction, * * shall each receive an annual salary of \$2,000; * * but the salary of any of said officers shall not be increased or diminished during the period for which they shall have been elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

ARTICLE V.

ELECTIVE FRANCHISE.

§ 121. AMENDED.] Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state one year, and in the county

six months, and in the precinct ninety days next preceding any election, shall be deemed a qualified elector at such election.

First—Citizens of the United States.

Second—Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

(See sec. 480 Revised Codes, also State v. Denoyer, 6 N. D. 586.)

§ 123. Electors shall in all cases except treason, felony, breach of the peace or, illegal voting, be privileged from arrest on the days of election during their attendance at, going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election except in time of war or public danger.

§ 125. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state, or in the military or naval service of the United States.

§ 126. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

§ 127. AMENDED.] No person who is under guardianship, non compos mentis or insane, shall be qualified to vote at any election; nor shall any person convicted of treason or felony, unless restored to civil rights; and the legislature shall by law establish an educational test as a qualification, and may prescribe penalties for failing, neglecting or refusing to vote at any general election.

§ 128. Any woman having the qualifications enumerated in section 121 of this article as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office.

§ 129. All elections by the people shall be by secret ballot subject to such regulations as shall be provided by law.

ARTICLE VIII.

EDUCATION.

§ 147. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. The legislative requirements shall be irrevocable without the consent of the United States and the people of North Dakota.

§ 148. The legislative assembly shall provide at its first session after the adoption of this Constitution for a uniform system of free public schools throughout the state; beginning with the primary and extending through all grades up to and including the normal and collegiate course.

§ 149. In all schools instruction shall be given as far as practicable, in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

§ 150. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers and compensation shall be fixed by law.

§ 151. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study and to promote industrial, scientific and agricultural improvement.

§ 152. All colleges, universities and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.

TWELFTH LEGISLATIVE ASSEMBLY STATE OF NORTH DAKOTA

CHAPTER 266.

[S. B. No. 60—Talcott]

AN ACT To Provide a System of Free Public Schools for the State of North Dakota and to Repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and Section 1038 of the Revised Codes of 1905 With Any and All Amendments Thereto, and also Chapters 49, 98, 100, 103, 124, 153 and 201 of the Session Laws of 1909.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

ARTICLE I.—SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 1. **QUALIFICATIONS OF, TERM OF OFFICE.]** There shall be elected by the qualified electors of the state at the time of choosing members of the legislative assembly, a superintendent of public instruction, who shall have attained the age of twenty-five years, who shall have the qualifications of an elector for that office, and be the holder of a teacher's certificate of the highest grade, issued in this state. He shall hold his office at the seat of government for the term of two years, commencing on the first Monday in January following his election, and until his successor is elected and qualified.

§ 2. **TO PRESERVE MISCELLANEOUS DOCUMENTS.]** He shall preserve in his office all books, maps, charts, works on education, school reports and school laws of other states and cities, plans for school buildings and other articles of educational interest and value which may come into his possession as such officer,

and at the expiration of his term he shall deliver them together with the reports, statements, records and archives of his office to his successor.

§ 3. SUPERVISION OF SCHOOLS.] He shall have the general supervision of the public schools of the state and shall be ex-officio a member of the board of university and school lands and of the normal school board of the state.

§ 4. TO FURNISH SCHOOL SUPPLIES, BLANKS, ETC.] He shall prepare, cause to be printed and furnished to the proper officers or persons all district clerks' record books and warrant books, school treasurers' record books, school registers, reports, statements, notices and returns needed or required to be used in the schools or by the schools officers of the state. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries; such lists shall contain also the lowest price at which each publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite.

§ 5. PRESCRIBE COURSE OF STUDY.] He shall prepare and prescribe a course of study for all the common schools of the state.

§ 6. ADVISE COUNTY SUPERINTENDENTS.] He shall counsel with and advise county superintendents and boards of education in special or independent school districts upon all matters involving the welfare of schools and he shall, when requested, give them written answers to all questions concerning the school law. He shall decide all appeals from the decision of the county superintendents and may for such decisions require affidavits, or verified statements or sworn testimony as to the facts in issue. He shall prescribe and cause to be enforced, rules of practice and regulations pertaining to the hearing and determination of appeals and necessary for carrying into effect the school laws of the state.

§ 7. CONFERENCE WITH COUNTY SUPERINTENDENTS.] He shall meet with any or all of the county superintendents of the state at such time and place as he shall appoint, giving them due notice of such meeting, and it shall be their duty to attend such meetings. The object of such meetings shall be to accumulate valuable facts relative to schools, to compare views, to discuss principles, to hear discussions and suggestions relative to the examinations and qualifications of teachers, methods of instruction, text books, institutes, visitation of schools and other matters relating to the public schools.

§ 8. RULES FOR TEACHERS' INSTITUTES.] He shall prescribe rules and regulations for the holding of teachers' institutes and teachers' training schools, and after counseling and advising with the county superintendent shall appoint conductors and assistants therefor. He shall prescribe the course of instruction for teachers' institutes and for teachers' training schools.

§ 9. To ASSIST AT TEACHERS' INSTITUTES.] He shall when practicable, attend and assist at teachers' institutes and aid and encourage generally, teachers in qualifying themselves for the successful discharge of their duties; he shall labor faithfully in all practicable ways for the welfare of the public schools of the state, and shall perform such other duties as shall be required of him by law.

§ 10. RECORD OF OFFICIAL ACTS.] He shall keep a complete record of all his official acts and shall file in his office all appeals and the papers pertaining thereto.

§ 11. SEAL.] He shall provide and keep a seal by which all his official acts may be authenticated.

§ 12. BIENNIAL REPORT, WHAT TO CONTAIN.] He shall, on or before the first day of November preceding the biennial session of the legislative assembly, make and transmit to the governor a report showing:

1. The number of school districts, schools, teachers employed and pupils taught therein and the attendance of pupils and studies pursued by them.

2. The financial condition of the schools, their receipts and expenditures, value of school houses and property, cost of tuition and salary of teachers.

3. The condition, educational and financial, of the normal and higher institutions connected with the school system of the state and as far as it can be ascertained, of the private schools, academies and colleges of the state.

4. Such general matters, information and recommendations relating to the educational interests of the state, as he may deem important.

§ 13. REPORTS TO BE PRINTED.] Three thousand copies of the report of the superintendent of public instruction shall be printed biennially in the month of December preceding the session of the legislative assembly. One copy shall be furnished to each of the members of the legislative assembly, five to each state educational institution, one copy to each county superintendent of the state, one copy to the president of each school board, one copy to each state officer, one copy to each state and territorial superintendent, and twenty copies shall be filed in the office of the superintendent of public instruction and ten copies in the state library. Copies may be distributed among the various colleges, universities, and libraries of the United States.

§ 14. SCHOOL LAWS TO BE PRINTED.] He shall in the year 1911, and every four years thereafter, cause to be printed, the school laws of the state, with such notes and decisions thereon as may seem to him advisable, and shall furnish them through the office of the county superintendent of schools, to the school officers of the state, and to public libraries within the state. At the close of any biennial session of the legislature he shall pub-

lish in pamphlet form the laws pertaining to education enacted at that session and shall distribute them as provided for the distribution of the school laws.

§ 15. PUBLICATION OF PROCEEDINGS OF EDUCATIONAL ASSOCIATION.] The state superintendent of public instruction is hereby authorized and required to publish annually, as public matter, not to exceed one thousand five hundred copies of the proceedings of the North Dakota Educational Association, the same to be distributed throughout the state by the department of public instruction; provided, that a copy of the proceedings of said association shall be filed by the secretary or other officer of said association with the superintendent of public instruction, on or before the first day of February of each year.

§ 16. SALARY. TRAVELING EXPENSES.] He shall receive an annual salary of three thousand dollars and in addition thereto his actual and necessary traveling expenses incurred in the discharge of his official duties, not exceeding one thousand two hundred dollars in any one year, such expenses to be paid monthly on the warrant of the state auditor upon his filing with such auditor an itemized statement of such expenses properly verified. The state superintendent may appoint a deputy for whose official acts he shall be responsible. He may also appoint an assistant whose duty shall be to assist the state superintendent in visiting schools, institutes, attending school officers' meetings and to perform such other duties as the state superintendent may direct. The state superintendent may also appoint such clerks as shall be necessary in carrying on the work of his department.

ARTICLE II.—COUNTY SUPERINTENDENT OF SCHOOLS.

§ 17. ELECTION, TERM OF OFFICE.] There shall be elected in each organized county, at the same time other county officers are elected, a county superintendent of schools, whose term of office shall be two years, commencing on the first Monday in January following his election, and until his successor is elected and qualified.

§ 18. QUALIFICATIONS OF.] No person shall be deemed qualified for the office of county superintendent in any county, who is not a graduate of some reputable normal school or higher institution of learning, or does not hold at least a second grade professional certificate, and who has not had at least two years' successful experience in teaching, one year of which shall have been in this state.

§ 19. GENERAL DUTIES.] The county superintendent of schools shall have the general superintendence of the common schools in his county, except those in districts which employ a city superintendent of schools.

§ 20. GENERAL DUTIES, VISITS.] He shall visit each common school at least once each year and carefully observe the condi-

tion of the school, the mental and moral instruction given, the methods of teaching employed by the teacher, the teachers' ability, and the progress of the pupils. He shall advise and direct the teachers in regard to the instruction, classification, government and discipline of the school and the course of study. He shall keep a record of such visits and by memoranda indicate his judgment of the teachers' ability to teach and govern, and the condition and progress of the school, which shall be open to inspection by any school director.

§ 21. GENERAL DUTIES, BLANKS, TEACHERS' MEETINGS.] He shall carry into effect all instructions of the superintendent of public instruction given within his authority. He shall distribute to the proper officers and to teachers all blanks furnished him by such superintendent, and needed by such officers and teachers. Acting under the instructions of the superintendent of public instruction, he may, convene the teachers of his county not to exceed one Saturday in each month during which the public schools are in progress, or if the distance is too great he may convene the teachers of two or more districts in each of the several portions of his county in county or district meetings, for professional instruction and for such other work as may be approved by the superintendent of public instruction. Each teacher shall attend the full sessions of such meetings when required, and participate in the exercise thereof, or forfeit one day's wages for each day's absence therefrom, unless such absence is occasioned by sickness of the teacher or others to whom his attention is due; but when, on account of distance or otherwise, it would impose a hardship upon any teacher to attend, or would cause such teacher to neglect his school, the county superintendent may excuse such teacher from attendance.

§ 22. MEETINGS WITH SCHOOL OFFICERS.] He may arrange for meetings with school officers at designated times and places, due notice of which has been given, for the purpose of inspecting the district records and instructing in the manner of keeping the same, and of preparing the reports of district officers. He shall visit the officers of the several school districts as often as may be necessary to secure the correct keeping of the records.

§ 23. ANNUAL MEETING OF SCHOOL OFFICERS.] He shall convene the members and clerks of the school boards in his county, or such representatives of the school officers of each district as the president or members of the school boards may appoint, in case he or they cannot attend personally, for the purpose of discussing plans and methods for the improvement and general care of the schools; provided, further, such general meeting shall not occur more than once in each year.

§ 24. RECORD OF OFFICIAL ACTS.] He shall keep a record of all his official acts, and shall preserve all books, maps, charts, and apparatus sent him as a school officer, or belonging to his

office. He shall file all reports and statements from teachers and school boards and shall turn them over to his successors in office. He shall be provided with a seal by which his official acts may be authenticated.

§ 25. PREPARE MAPS.] He shall, on or before the first day of April of each year, prepare and furnish to the several assessors of the county a correct sectional map of their respective districts, showing the boundaries and names or numbers of all school districts therein.

§ 26. FILE LISTS.] Immediately after the July meeting of the school boards, the county superintendent shall file with the county auditor and the county treasurer a list of the names of all persons chosen as presidents and clerks of the several school boards in his county.

§ 27. APPORTIONMENT OF STATE TUITION FUND.] He shall make apportionment of the state tuition fund among the school corporations of the county, as provided in this chapter.

§ 28. OFFICE, POSTAGE AND STATIONERY.] He may provide for himself a suitable office for the transaction of official business when not provided therewith by the county commissioners, and such commissioners shall audit and pay his reasonable accounts for the use and furniture of such office. They shall also furnish him with all necessary books, stationery and postage.

§ 29. TO DECIDE QUESTIONS OF CONTROVERSY.] He shall decide all matters in controversy arising in his county in the administration of the school law or appealed to him from the decision of school officers or boards. An appeal may be taken from his decision to the superintendent of public instruction, in which case a full written statement of the facts, together with the testimony and his decision in the case shall be certified to the superintendent of public instruction for his decision in the matter, which decision shall be final, subject to adjudication or the proper legal remedies in the courts.

§ 30. POWER TO ADMINISTER OATHS.] He shall have power to administer the oath of office to all subordinate school officers, and to witnesses and to examine them under oath in all controversies pending before him arising in the administration of the school laws; but he shall not receive pay for administering such oath.

§ 31. REPORT DELINQUENT TEACHERS, WHEN.] He shall see to it that the pupils are instructed in the several branches of study required by law to be taught in the schools, as far as they are qualified to pursue them. If any teacher neglects or refuses to give instruction as required by law in physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics, the county superintendent shall promptly notify the secretary of the board of examiners.

§ 32. REPORT OF STATE SUPERINTENDENT.] He shall, on or before the fifteenth day of September in each year, make and

transmit a report to the superintendent of public instruction, containing such statistics, items and statements relative to the schools of the county, as may be required by such superintendent. Such report shall be made upon and conform to the blanks furnished by the superintendent of public instruction for that purpose. He shall not be paid his salary for the last month of his official year until he presents to the county commissioners the receipt of the superintendent of public instruction for such annual report.

§ 33. DEPUTIES. HOW APPOINTED. SALARY.] In counties having fifty or more schools, the county superintendent may appoint an office deputy, for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary, provided, that in counties having 150 or more schools, the county superintendent shall be allowed one deputy for each 100 schools or major fraction thereof under the supervision of said superintendent. Such deputies shall be for the purpose of assisting the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the qualifications of the county superintendent of schools specified in section 18 of this chapter and shall each receive a salary of two hundred (200) dollars per annum in excess of that paid to the office deputy.

§ 34. SALARY AND EXPENSES.] The county superintendent of schools shall receive an annual salary equal to that paid to the register of deeds of his county, which salary shall be paid monthly on the warrant of the county auditor on the county treasurer, and in addition thereto he shall receive ten cents per mile for the distance actually and necessarily traveled by him or his field deputy in the discharge of his duties within the county and in attendance at meetings of county superintendents called by the superintendent of public instruction as provided by law. He shall at the end of every three months make and furnish to the county commissioners an itemized statement subscribed and sworn to of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the board of county commissioners.

§ 35. OFFICE POSTAGE AND STATIONERY.] He may provide for himself a suitable office for the transaction of official business when not provided therewith by the county commissioners, and such commissioners shall audit and pay his reasonable accounts for the use and furniture of such office. They shall also furnish him with all necessary books, stationery and postage.

§ 36. SHALL NOT ABSENT HIMSELF FROM COUNTY.] No county superintendent of schools shall engage in any profession or occupation, nor shall he absent himself from the county or district for which he is elected, to engage in any occupation, pro-

fession or pursuit during the term for which he is elected for such time and in such manner as to interfere with the proper discharge of his duties as county superintendent of schools.

ARTICLE III.—COMMON SCHOOL DISTRICTS.

§ 37. EACH SCHOOL DISTRICT A CORPORATION.] Each and every school district in this state now legally organized or which shall be organized hereafter shall be and is hereby constituted a public corporation to be known and designated as..... school district No. of County, State of North Dakota, with its proper name or number inserted in the blank space provided and with the name of the county inserted in the blank before the word county; and in its own proper name, or number, as such corporation it may sue and be sued, contract, and be contracted with and may acquire, purchase, hold and use personal and real property for school purposes or for the purposes mentioned in this act and may sell and dispose of the same.

§ 38. WHAT TERRITORY MAY BE ORGANIZED INTO DISTRICT SCHOOL CORPORATIONS.] The county commissioners of each county in this state shall organize into a school district any territory not, at the taking effect of this act, already organized into a school district upon being petitioned so to do by at least one-third of the residents of such territory having the care and custody of any child of school age; provided, such territory shall consist of not less than one congressional township and shall have at least twelve thousand dollars in taxable property and at least ten children of school age residing therein.

§ 39. WHEN SCHOOL CORPORATIONS MAY BE DIVIDED AND ATTACHED TO OTHER DISTRICTS.] If a portion of any such school district having not more than ten children of school age residing therein is separated from the other portion of such district by any natural obstacle which practically prevents such children from attending school in such other portion, the county commissioners of the county may annex such portion so separated, to an adjoining school district, and the portion so annexed shall constitute a part of such adjacent school district. If such adjacent district lies in another county, the county commissioners of the two counties may jointly make such annexation; provided, that whenever portions of a school district lie in different civil townships there may be created therefrom two or more distinct school districts, when in the judgment of such commissioners and the county superintendent, such change can be made without detriment to the school or to the pupils therein, and the division can be made by following the boundary line or lines of congressional townships, or the meander lines of the government survey.

§ 40. ANNEXATION OF SCHOOL DISTRICTS.] If a town or village not organized into a special district is divided by a civil township line or if such town or village is divided by any county line, the

county commissioners of such county, or the county commissioners of such adjacent counties acting in joint session, as the case may be, may, when petitioned so to do by a majority of the voters of each part of said town or village, annex one part of such town or village to the adjacent school district which includes the other part of such town or village and the part so annexed shall constitute a portion of such adjacent district.

§ 41. WHEN CIVIL TOWNSHIPS MAY CONSOLIDATE INTO SCHOOL DISTRICTS.] In any county in this state, if a civil township, having less than fifteen persons of school age residing therein, by reason of the irregular course of natural boundary, contains less than twelve square miles of territory, it shall constitute a portion of the adjacent school district with which it has the longest common boundary line.

§ 42. SCHOOL DISTRICTS. HOW NAMED.] Each school district constituted or formed under the provisions of this article, shall be designated a school district as distinguished from a civil township or congressional township, and shall be named as follows: Each school district which consists of a civil township shall be named ".....School District of.....County, State of North Dakota," with the name of the civil township which constitutes the districts inserted in the blank before the word "school," and the name of the county in which it is situated inserted before the word "county." Each school district which consists of territory not organized into a civil township, but which has been named by a distinctive name shall have such distinctive name inserted in the blank before the word "school." Each school district consisting of territory not organized into a civil township which has no distinctive name shall be named "School District No.....of.....County, State of North Dakota," which is organized for school purposes under the district system at the taking effect of this act, the several school districts shall retain and be known by the number which they have respectively at the time of the taking effect of this act and any school district hereafter formed in any such county shall be known by the number next higher than that of the highest pre-existing numbered district.

§ 43. BOUNDARIES, HOW CHANGED.] The board of county commissioners and county superintendent of schools may change the boundaries of any school district or consolidate two or more districts already organized if in their judgment such change is desirable or necessary upon being petitioned so to do by a majority of the school voters residing in the districts whose boundaries will be affected by such change.

§ 43½. BOUNDARIES TO BE RE-ARRANGED AND RE-ESTABLISHED. HOW.] The county commissioners and county superintendent of schools of each county which at the taking effect of this act is organized for school purposes under the district system, shall

meet on the second Monday in July, A. D. 1911, at the place where the meetings of such commissioners are usually held, and shall re-arrange and establish the boundaries of the several school districts of the county, as follows:

1. Each school district now organized, which has less than ten persons of school age residing therein, may be annexed to and form a part of such adjacent district as shall be most convenient for such persons of school age, if in the judgment of such commissioners and superintendent, such annexation can be made without detriment to the school or to the pupils residing in such district.

2. Such commissioners and superintendent shall make such changes generally in the boundary line of the school districts of the county, and may organize school districts, as in their judgment will be for the best interests of the schools of the county.

§ 44. NEW COMMON SCHOOL DISTRICTS. [How ORGANIZED.] The board of county commissioners and county superintendent may organize a new school district from portions of school districts already organized, if in their judgment the organization of a new district is desirable and necessary, upon being petitioned so to do by at least a majority of the school voters residing in the districts, whose boundaries will be affected by the organization of a new district, and by at least three-fourths of the residents of the territory to be included in the new district. No school district shall be organized under the provisions of this section which shall have less than \$20,000 assessed valuation and shall have residing therein less than twelve children of school age; provided, that when the districts from portions of which such new district is sought to be organized, lie in two or more adjoining counties, such new district shall be organized by the concurrent action of the boards of county commissioners and county superintendents of such counties; provided, further, that action on such organization shall be taken only at the July meeting of the county commissioners when petitioned by a majority of the voters residing in each of the districts to be affected.

§ 45. PUBLIC NOTICE GIVEN.] Whenever the board of county commissioners and county superintendent of schools shall be petitioned to organize a new school district or to change the boundaries of districts already organized, the county superintendent shall give public notice, for at least thirty days, to the residents of the districts whose boundaries will be affected by the organization of the new district, by mailing a notice to that effect to each school officer of such districts, and by publishing the same in the official newspaper of the county published nearest that district.

§ 46. PLATS OF SCHOOL DISTRICTS PREPARED BY COUNTY AUDITOR. [RECORD.] The county auditor shall prepare a record or plat of his county showing the boundaries, name or number of school

districts in said county which record shall remain on file in his office. Whenever the boundaries of a school district are changed or a new school district organized the county auditor shall make a record of the same.

§ 47. **LEGALIZING IRREGULARITIES.]** All school districts, whether duly and legally organized under the provisions of statute, or not, which for one year or more last past had a de facto organization, and also all school districts, whether duly and legally organized under the provisions of statute or not, which have heretofore attached or attempted to attach territory outside of the limits thereof and adjacent to such district, and now included in the territory comprising or exercising the powers of such school district, are hereby declared to be legally organized and are authorized to exercise all the functions of school districts which have been duly and legally organized as provided by statute, with the boundaries which they may have at the time of going into effect of this article, and all contracts and obligations of said districts and the acts of the officials thereof are hereby ratified and confirmed so far as to give them the same validity which they would have had if such districts had been legally organized.

ARTICLE IV.—ELECTION OF OFFICERS IN COMMON SCHOOL DISTRICTS.

§ 48. **OFFICERS TO BE ELECTED.]** On the first Tuesday in June of each year there shall be elected one school director for the term of three years and on the first Tuesday in June of each even numbered year a school treasurer for the term of two years. Such officers shall hold their respective offices from the second Tuesday in July following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election, one to serve until the second annual election thereafter and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election in the next even numbered year and until his successor is elected and qualified.

§ 49. **POLLING PLACES, HOW ESTABLISHED. APPOINTMENT OF ELECTION OFFICERS.]** The county superintendent in each county shall, at least twenty-one days prior to the first election in the new district, fix and designate some polling place in each school district so located as to be convenient for the voters of such district, and shall appoint two persons to act as judges and two to act as clerks of the election of such school officers; such judges and clerks shall be qualified voters in their respective districts. The county superintendent shall notify in writing such judges and clerks of their appointment, and of the place fixed and

designated as the polling place in their respective districts and shall furnish them with the necessary blanks and poll books for such election. He shall also furnish one of such clerks with three notices of such election specifying the time and place at which such election is to be held. The officers to be elected and term of each which notices such clerk shall post in three of the most public places in the district at least fourteen days prior to such election. The county superintendent shall fix the date and perform such other duties as devolve upon him by the provisions of this section for the first election in any school district hereafter formed under the provisions of this chapter, and such election shall be called by the county superintendent within thirty days after the formation of such school district.

§ 50. WHO QUALIFIED TO VOTE OR HOLD OFFICE.] At any election of school officers in any school district in this state all persons who are qualified electors under the general laws of the state and all women twenty-one years of age having the necessary qualifications as to citizenship and residence required of male voters by law, shall be qualified voters and shall be eligible to the office of county superintendent of schools, school director, district treasurer, school district clerk, or member of the board of education, or may be judge or clerk of such election; provided, however, that the county superintendent shall possess the educational qualifications named in Section 18.

§ 51. HOURS POLLS OPEN.] At all elections for school district officers the polls shall be opened at 2 o'clock p. m. and closed at 5 o'clock p. m.

§ 52. NOTICE OF ANNUAL ELECTION.] At least fourteen days before the first Tuesday in June of each year the district school board of each school district shall designate one polling place as convenient as possible to the voters of such district at which such annual election shall be held, and shall cause notice of such election to be posted in at least three of the most public and conspicuous places within the district. Such notices shall be signed by the clerk or in his absence by the president of the district school board, and shall state the time and place of holding such election, and the officers to be elected and their terms of office, and shall be substantially in the following form:

Notice is hereby given that on Tuesday, the day of June A. D. 19....., an election will be held at.....(here insert polling place) for the purpose of electing.....(here insert officers to be elected and term each is to serve) for School District No. or for (Here insert name of school district). The polls will be opened at two o'clock p. m. and closed at 5 o'clock p. m. of that day.

By order of School Board,

Signed.....

§ 53. JUDGE'S OATH.] At such annual election any two of the directors of the school district may act as judges and the clerk of the district school board and one other person to be chosen by the voters present at the opening of the polls, shall act as clerks. The voters present at the opening of the polls shall choose a person to fill any vacancy caused by the absence of either of such officers to act as judge or clerk of such election. Before opening the polls each of the judges and clerks of election shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will perform my duties as judge or clerk (as the case may be) according to law and the best of my ability." Such oath or affirmation may be administered by any officer authorized to administer oaths or by either of the judges or clerks. Any school officer elected and qualified under the provisions of this chapter is authorized and empowered to administer any oath or affirmation pertaining in any manner to school offices.

§ 54. ELECTION, HOW CONDUCTED, CANVASS OF VOTES.] Such election shall be conducted and the votes canvassed as provided by law for general elections, except as otherwise provided in this chapter. Immediately after the polls are closed the judges shall proceed to count and canvass the votes for each person voted for at such election for any office, and the person receiving the highest number of votes for the office of director shall be declared elected. If the election results in a tie the district clerk shall immediately notify in writing the parties having received such tie votes, and a time shall be agreed upon by the parties, within three days after the election, at which the election shall be decided in the manner that may be agreed upon by the parties in the presence of the judges and clerks of election, and a record of the proceedings shall be made in the records of the district clerk.

§ 55. CERTIFICATE OF ELECTION.] The clerk of the school district shall within five days after such election furnish each person elected to any district office, a written notice of his election and of his duty to take the oath of office as such officer on or before the second Tuesday in July following such election. He shall also forward to the county superintendent within ten days after such election, a certified list of all the officers elected thereat.

§ 56. OATH OF OFFICE.] Each person elected to the office of school director or district treasurer shall before entering upon the duties of his office take and subscribe the oath prescribed in section 211 of the constitution, which oath shall be filed with the clerk of the school district board.

ARTICLE V.—ORGANIZATION MEETINGS AND DUTIES OF
COMMON SCHOOL OFFICERS.

§ 57. ORGANIZATION, CLERK.] The school board shall meet annually on the second Tuesday in July and organize by choosing one of the members president, and a competent person, not a member of the board, clerk, who shall hold office during the pleasure of the board.

§ 58. DISTRICT SCHOOL BOARD QUORUM.] The three school directors in each school district shall constitute the district school board. A majority of the board shall constitute a quorum and the agreement of a majority shall be necessary to the validity of any contract entered into by the board.

§ 59. MEETINGS OF BOARD. FEES.] The board shall, on the second Tuesday in January, April, July and October of each year, hold regular meetings for the transaction of business at such hour and place as may be fixed by the board. A special meeting may be held upon the call of the president or the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board at least forty-eight hours before the time of such meeting. Each member of the board shall be paid the sum of eight dollars per annum, less two dollars for each regular meeting which he fails to attend; provided, that in any common school district which contains a graded school of three or more departments the board shall hold regular meetings for the transaction of business on the second Tuesday of each month, at such time and place as may be fixed by the board, and in such districts the members of the board shall receive a compensation of one dollar for each meeting attended; provided, further, the members and clerks receive ten cents a mile for the distance necessarily traveled in attending general meetings of school officers convened by the county superintendent and also a salary of two dollars, but the total sum of such salary and mileage shall not exceed seven dollars for each officer at any one meeting.

§ 60. DUTIES OF THE PRESIDENT.] The president shall preside at all meetings of the board, and shall perform such duties as usually pertain to such office, and in accordance with the customary rules of order. In his absence a president pro tempore shall preside. The president shall perform such other duties as are prescribed in this chapter.

§ 61. DUTIES OF CLERK. COMPENSATION.] The clerk of the board shall keep an accurate record of all proceedings of the board, give or post all notices, make out all reports and statements and perform all other duties required by law or by the board. He shall receive such compensation as shall be fixed by the board, not less than ten dollars for one school and five dollars for each additional school in his district; provided, that such salary shall not exceed fifty dollars in any one year; provided,

further, that the clerk shall receive such additional compensation for taking the annual school census as the board may allow.

§ 62. TREASURER'S BOND. HOW APPROVED. VACANCY. HOW FILLED.] The school treasurer shall on or before the second Tuesday in July following his election and before entering upon his duties, give a bond to the school district conditioned for the honest and faithful discharge of his duties and that he will render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bonds shall be in such sum as may be fixed by the board but not less than double the sum to come into his hands in any one year as nearly as may be ascertained, which bond shall be signed by two or more sufficient sureties, to be approved by the school board. In case the school board neglects or refuses to approve the bond of such treasurer and the sureties thereon, such treasurer may present the same to the county superintendent and serve notice thereof upon the board and due proof of such notice being made to the county superintendent, he shall, unless good cause for his delay appears, proceed to hear and determine the sufficiency of the bond and the sureties thereon, and may approve or disapprove the same as the facts warrant. In case of a failure to elect a successor to any school treasurer at the expiration of his term of office, the said treasurer holds over and he shall be required to give a new bond, within ten days after notice by the board. In case of a failure so to do, a vacancy shall be deemed to exist in said office and shall be filled as provided by law. In case a vacancy occurs in the office of the school treasurer, it shall be the duty of the county treasurer of the county wherein such school district is located, upon being notified by the county superintendent or clerk of such school district that such vacancy exists, to perform the duties of treasurer of such school district until the vacancy is duly filled.

§ 63. WHEN ADDITIONAL BONDS REQUIRED.] Whenever the amount in the hands of the treasurer or subject to his order exceeds two-thirds of the penal sum of his bond or when in the judgment of the board or of the county superintendent the security on such bond is impaired, the board or county superintendent shall require an additional bond. If the treasurer fails for twenty days to give such additional bond, the office shall be declared vacant and the vacancy shall be filled as provided by this chapter.

§ 63½. SURETY BONDS. PREMIUMS. HOW PAID.] Every person hereafter elected to the office of district treasurer within the state of North Dakota, be, and is, hereby required to give an official bond in a penal sum to be fixed by the board of directors, which bond shall not be in a less penal sum than double the amount of money likely to come into his hands in any one year, and such board may by resolution require that such bond shall be executed by some responsible fidelity or surety company auth-

orized and qualified to do business in the state of North Dakota, and subject to approval as provided by law; provided, further, if a surety bond is given it shall be for a sum fixed by the board of directors. The amount of premiums for such surety or fidelity bond shall be audited by the board of directors and paid out of the general fund of the district.

§ 63 1/4. SCHOOL FUNDS. HOW PAID OUT.] The school treasurer shall keep such account and make such reports as are required of him by law. He shall pay no money out of the funds in his hands except upon the warrant of the school board, signed by the president and countersigned by the clerk. He shall pay all warrants properly drawn and signed when presented, if there is any money in his hands or subject to his order for their payment.

§ 64. WARRANTS TO BE INDORSED WHEN NO FUNDS TO PAY.] When a school district warrant is presented to the district treasurer for payment and there is no money in his hands or subject to his order belonging to the proper fund for the payment of such warrants, he shall indorse on such warrant, "presented for payment this day of 19....., and not paid for want of funds," and shall sign such indorsement and indorse the sum on the warrant and add "balance the part payment of such warrant, he shall make such part payment and indorse the sum on the warrant and add "balance not paid for want of funds," signing the same. He shall keep a correct register of all warrants so presented and indorsed. Each warrant thus presented and indorsed shall draw interest on the amount unpaid at a rate not to exceed seven per cent per annum from the date of such presentation and indorsement until paid; provided, that when there shall come into the hands of the treasurer or subject to his order, money applicable to the payment of any warrant which has been so presented and registered, he shall notify in writing by mail, the drawee of such warrant at his last known place of residence, to present such warrant for payment, and interest shall cease upon every warrant ten days after such notice shall have been sent, and such money shall be held for the payment of such warrant.

§ 65. WARRANTS, WHAT TO SPECIFY.] Each warrant drawn by the clerk or the board on the district treasurer must specify the purpose for which it is drawn, the fund on which it is drawn and the person to whom payable; and no warrant shall be issued except for indebtedness incurred prior to its issue.

§ 66. OATHS AND BONDS. WHERE TO BE FILED.] All official oaths and bonds of school district officers shall be filed with the district clerk, who shall immediately certify to the county superintendent the fact of such oaths and bonds being filed. Said clerk shall file school treasurer's bond with the county auditor after such bond has been approved by the district school board,

as provided in this chapter. In case of the breach of any of the conditions of the treasurer's bond, the board, through its president, and in case of his refusal so to do, the county superintendent, shall cause an action to be commenced and prosecuted thereon in the corporate name of the district, and any money collected for the district shall be paid to the district treasurer and any money collected for fines shall be paid into the county treasury and be credited to the general school fund of the state. If the board and county superintendent both fail or refuse to bring such action, any taxpayer in the district may commence and prosecute such action, and the necessary expense thereof shall be paid out of the district treasury unless otherwise ordered by the court.

§ 66½. SALARY OF SCHOOL TREASURER.] The school treasurer shall be paid for his services such sum as shall be fixed by the board not less than five nor more than twenty-five dollars per annum.

ARTICLE VI.—POWERS AND DUTIES OF COMMON SCHOOL BOARDS.

§ 67. GENERAL POWERS.] The district school board shall have the general charge, direction and management of the schools of the district, and the care, custody and control of all the property belonging to it, subject to the provisions of this chapter; provided that in the employment of teachers, no person related by blood or marriage to any member of the district board shall be hired without the unanimous consent of the board.

§ 68. POWER TO ESTABLISH SCHOOLS.] It shall organize, maintain and conveniently locate schools for the education of children, of school age within the district, and change or discontinue any of them as provided by law.

§ 69. REPAIRS, FUEL AND SUPPLIES.] It shall make all necessary repairs to school houses, outbuildings and appurtenances, and shall furnish fuel and all necessary supplies for the schools and provide for janitor service.

§ 70. FURNITURE. MAPS. REGISTER. SCHOOL LIBRARY.] It shall furnish to each school all necessary and suitable furniture, maps and apparatus, including any dictionary which is recognized as a standard authority. The school register and all school blanks used, shall be those furnished by the state department of public instruction. It may appropriate and expend each year not more than twenty-five dollars for each school, or separate department thereof, of the district for the purpose of a school library, to be selected by the school board, and the teacher, from any list of books authorized by the superintendent of public instruction, and furnished by him to the county superintendent for that purpose, and it shall not purchase any books which have not been approved by the superintendent of public instruction.

§ 71. CARE OF LIBRARY. LIBRARIAN.] It shall have the care and custody of the library and may appoint as librarian any suitable person, including one of their number, but whenever practicable, the library shall be kept in the school house and always so when school is in session. It shall make rules to govern the circulation and care of the books while in the hands of the pupils or other persons, subject to the general rules as may be prescribed by the state superintendent of public instruction, and may impose and collect penalties for injuries done to any book by the act, negligence or permission of the person who takes the same or while in his possession, but no book shall be loaned to any person not a resident of the district. It may at any time temporarily exchange any part or all of its library with any other district or persons, so far as different books may be obtained, but each district shall recall its books before the close of the school term. It may at any time accept donations of books for the library, but it shall exclude therefrom all books unsuited to the cultivation of good character and good morals and manners, and no sectarian publications, devoted to the discussion of sectarian differences and creeds shall be admitted to the library. It shall be held accountable for the proper care and preservation of the library, and shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for that purpose by the superintendent of public instruction.

§ 72. TEACHERS. HOW EMPLOYED. SALARIES.] It shall employ the teachers of the school district and may dismiss a teacher at any time for plain violation of contract, gross immorality or flagrant neglect of duty. No person shall be permitted to teach in any public school who is not the holder of a teacher's certificate or a permit to teach, valid in the county or district in which such school is situated, and every contract for the employment of a teacher must be in writing and such contract must be executed before such teacher begins to teach in such school; provided, that no teacher holding a valid certificate shall receive less than forty-five dollars per month. Nothing in this section shall be construed to mean that teachers holding the same grade certificate must necessarily receive the same salary.

§ 73. PUPILS FROM OTHER DISTRICTS.] It shall have the power to admit to the schools in the district, pupils from other districts, when it can be done without injuring or overcrowding such schools, and shall make regulations for their admission and the payment of their tuition. It shall have the power to arrange with the board of another district for sending to such district such pupils as can conveniently be taught therein, for paying their tuition, and for arranging and paying for their transportation to and from the school in such district; and when petitioned by a majority of the voters of a district it shall be the duty of the board of any district to arrange for sending to such

district such pupils as can conveniently be taught therein, for paying their tuition and for arranging and paying for their transportation to and from the school in such district. It shall have the power to admit to the schools in the district, pupils residing in unorganized territory adjacent to the district, and to arrange with the parents or guardian of such pupils for paying their tuition; but in no instance shall a board refuse privileges to or collect tuition from pupils residing in such adjacent unorganized territory, if the parents of such pupils are property holders in the district and pay taxes. It shall also have the power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district, and their transfer from one school to another.

§ 74. RULES. SUSPENSION OF PUPILS.] It shall assist and co-operate with teachers in the government and discipline of the schools, and may make proper rules and regulations therefor. It may suspend or expel from school any pupil who is insubordinate or habitually disobedient, but such suspension shall not be for a longer period than ten days nor such expulsion beyond the end of the current term of school.

§ 75. BRANCHES OF STUDY.] Subject to the approval of the county superintendent, it shall have power to determine what branches, if any, in addition to those required by law shall be taught in any school of the district.

§ 76. TAX LEVY. NOTICE TO COUNTY AUDITOR.] It shall have power to levy upon the property in the district a tax for school purposes of not exceeding thirty mills on the dollar in any year, which levy shall be made by resolution of the board prior to the twentieth day of July. The clerk shall immediately thereafter notify in writing the county auditor of the amount of tax so levied. It shall not have power to abate or reduce the amount of tax so levied after the county auditor has been notified of the amount of such levy.

§ 77. WHEN SCHOOL HOUSES CAN BE USED FOR OTHER PURPOSES.] It may permit a school house, when not occupied for school purposes to be used under careful restrictions for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, but for any such use or privilege it shall not be at any cost for fuel or otherwise to the district. Nor shall any furniture which is fastened to the floor be removed, and whoever removes any school furniture for any other purpose than repairing the same or for repairing the school room, shall be guilty of a misdemeanor and shall be fined not less than five nor more than ten dollars for each offense. All fines imposed and collected under the provisions of this section shall be paid into the general school fund of the state.

§ 78. SCHOOL HOUSES AND SITES HOW DETERMINED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children

therein proper school privileges or whenever petitioned to do so by one-third of the voters of the district, the board shall call an election of the voters in the district at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange or sale of a school house site, of the erection, removal, or sale of a school house. Said election shall be conducted and the votes canvassed in the same manner as at the annual election of school officers.

§ 79. ELECTION, HOW CALLED. PLANS. HOW PREPARED.] Three notices of the time, place and the purpose of such election shall be posted in three of the most public places in the district at least fourteen days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a schoolhouse site or shall be in favor of the purchase, exchange or sale of the school house, as the case may be, then the board shall proceed to carry out the decision of the voters of the district, provided it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house, and such school house so removed cannot again be removed within three years from the date of such meeting; and, further, if the question of removing the school house fails to carry, then the question of removing such school house cannot again be raised within one year; provided, further, that whenever a school house is to be purchased, erected or constructed in a common school district, the school board shall consult with the county superintendent of schools and the county superintendent of health with regard to plans providing for the proper construction, lighting, heating and ventilating; provided, further, that it shall be the duty of the state superintendent of public instruction to furnish plans for school houses of one and two rooms that will be in accord with the best ideas pertaining to heating, lighting, ventilation and other sanitary requirements; provided, further, that school boards and county superintendents shall secure from a competent carpenter or architect complete specifications and blue prints for plans furnished by the state superintendent of public instruction, or approved plans that may be furnished by said carpenter or architect, at a cost not to exceed twenty-five dollars for a one room school house and forty dollars for a two room school house. A copy of such plans and specifications shall be filed in the office of county superintendent.

§ 80. BOARD OF INSPECTION.] The county superintendent of health, the chairman of the board of county commissioners and the county superintendent of schools of each county are hereby constituted a board for the purpose of inspecting school houses and outbuildings with reference to their sanitary condition and whenever the county superintendent of schools shall report to said board of inspection that a school house or outbuilding is in an unsanitary or unsafe condition, said board shall inspect the same and shall direct the district school board to make such

changes or repairs as are necessary to make such building or buildings, sanitary, safe and fit for school purposes.

§ 81. SCHOOL HOUSE SITES, HOW OBTAINED AND MAXIMUM AREA ALLOWED.] The school board of any school district may take, in the corporate name thereof, any real property not exceeding five acres in area chosen as a site for school house, as provided in this chapter, and may hold and use such tract for school purposes only. Should the owner of such real property refuse or neglect to grant and convey such site, a site for a school house may be obtained by proceeding in eminent domain, as provided in the Code of Civil Procedure. If this site so selected is not used for the purpose for which it is taken, for two successive years, it shall revert to the original owner or his assigns upon payment of the sum originally paid by the school district. If such owner or his assigns neglects or refuses to make such repayment for one year after demand therefor by the board, such site shall be the property of the district.

§ 82. SCHOOLS TO BE ORGANIZED ON PETITION.] If a petition signed by the persons charged with the support and having the custody and care of nine or more children of school age, all of whom reside not less than two and one-half miles from the nearest school, is presented to the board, asking for the organization of a school for such children, the board shall organize such school and employ a teacher therefor, if a suitable room for such school can be leased or rented at some proper location not more than two and one-half miles distant from the residence of any one of such children, and if no suitable room for such school can be leased or rented, the board shall call a meeting of the voters of the district for the selection and purchase or erection of a school house, as provided for in section 79. If at such meeting no such site is selected or if it is not voted to erect or purchase a school house for such school, the board shall select and purchase a school house site and erect, purchase or move thereon a school house at a cost of not more than twelve hundred dollars for such school house and furniture therefor; provided, that the provisions of this section shall not apply in instances where schools have been consolidated in accordance with the provisions of section 84.

§ 83. SCHOOL TERMS, HOW ARRANGED AND WHEN DISCONTINUED.] The district board shall determine and fix the length of time the schools in the district shall be taught each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; provided, that every common school shall be kept in session for not less than seven months in each school year; provided, further, that any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision

that no compensation shall be received by such teacher from the date of such discontinuance, if proper and convenient school facilities be provided for the pupils therein in some other school.

§ 84. **CONSOLIDATION. CONVEYING PUPILS.]** The district board may call, and, if petitioned by one-third of the voters in the district, shall call an election to determine the question of "conveying pupils at the expense of said district to and from schools already established," or "of consolidating two or more schools, and of selecting a site and erecting a suitable building, or of making suitable additions to buildings already erected, to accommodate the pupils of schools to be vacated." Said elections shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school election. If a majority of the votes cast at such election are in favor of conveying the pupils at the expense of the district to and from schools already established or of consolidating two or more schools and of providing a suitable building for the accommodation of the pupils of vacated schools, then the board shall make all necessary arrangements to carry out the decision of the district. The board shall arrange for the transportation of pupils to and from such schools. It shall establish routes of travel, adopt rules and regulations for such transportation and shall contract with responsible parties for such transportation.

§ 85. **ADDITIONAL SCHOOL TIME.]** If a majority of the patrons of any school averaging for its last term eight or more pupils in daily attendance, shall petition the board to continue such school for an additional time, the board shall continue such school for that length of time if there are funds in the treasury sufficient for that purpose.

§ 86. **DISTRICT HIGH SCHOOLS. HOW ESTABLISHED AND CONTROLLED.]** In any district containing four or more schools, and having an enumeration of sixty or more persons of school age residing therein the board may call, and if petitioned so to do by ten or more voters in the district, shall call a meeting of the voters of such district, in the manner prescribed in section 79 to determine the question of establishing a district high school. If a majority of the voters at such meeting vote in favor of establishing such high school, the meeting shall further proceed to select a site therefor, and to provide for the erection or purchase of a school building or for the necessary addition to some school building therefor. Thereupon the board shall erect or purchase a building or make such addition for such high school, as shall be determined at such meeting and shall establish therein a district high school containing one or more departments, and employ teachers therefor.

§ 87. **LENGTH OF TERM.]** Such high school shall be kept in session for such time each year, not less than four months, as the board may determine. The board shall, subject to the approval of the county superintendent, grade such high school,

and prescribe the studies to be pursued therein, and shall have the same management and control thereof as of the elementary schools in the district.

§ 88. ADJACENT DISTRICTS MAY JOIN.] Two or more adjacent school districts may join in the establishment and maintenance of such high school, or for a graded school or for both, when empowered so to do by a majority of the voters in each district, at a meeting called and held as provided for in this section, in which case the building and furniture occupied and used for such high school or graded school shall belong to the districts so uniting and all the costs of maintaining such school, or schools, including the wages of teachers and all necessary supplies shall be paid by such districts in proportion to the assessed valuation of the property in each; and the employment of teachers therefor, and the management, control and grading thereof shall be vested in the joint boards of such districts, subject to the approval of the county superintendent of the county in which such districts are located.

§ 89. SCHOOL CENSUS. ANNUAL REPORT.] The school board shall cause an enumeration to be made between the first and twentieth day of June of each year, of all unmarried persons of school age, being over six and under twenty-one, having their legal residence in the district, giving the names and ages of such persons and the names of parents and guardians having the care and custody of each; also the name and age of each deaf and dumb, blind, and feeble minded person between the ages of five and twenty-five years, residing in the district, including all such persons as may be too deaf or feeble minded to acquire an education in the common schools, and the names and post-office address of the parents or guardians of such persons. The enumeration shall be made upon and in accordance with the blanks furnished therefor by the county superintendent, and shall be returned to the county superintendent prior to the tenth day of July.

§ 90. REPORTS. TO WHOM SENT.] A copy of the enumeration of such deaf and dumb persons shall be furnished the superintendent of the school for the deaf; a copy of the enumeration of such blind persons shall be furnished to the superintendent of the school for the blind; and a copy of the enumeration of such feeble minded persons shall be furnished the superintendent of the institution for the feeble-minded, by the county superintendent immediately upon the receipt of the same. A copy of such enumeration shall also be kept in the office of the district court clerk.

§ 91. CLERK'S ANNUAL REPORT.] The board shall also cause the district clerk to make out an annual report for the year beginning July 1st, and ending June 30th, containing such actual and statistical statements and items as shall be required by the superintendent of public instruction, and upon and in accordance with the blanks furnished therefor by the county superintendent.

Such reports shall be carefully examined and certified to as correct by the board at its regular meeting in July, and transmitted to the county superintendent prior to the 1st day of August following. A copy of such report shall be filed in the district clerk's office.

§ 92. RECORDS OPEN TO INSPECTION.] All reports, books, records, vouchers, contracts and papers relating to school business in the school district in the office of the clerk shall at all times be open to the inspection of any director, who shall advise and aid in securing correct records, accounts, and legal reports, and they shall likewise be open to the county superintendent, and any particular paper or record shall be exhibited at reasonable hours to any voter or taxpayer.

§ 93. RECORDS AND TEACHING IN ENGLISH.] All reports and records of school officers and proceedings of all school meetings shall be in the English language, and if any money belonging to any district shall be expended in supporting a school in which the English language is not the medium of instruction exclusively, the county superintendent or any taxpayer of the school corporation may in a civil action in the name of the corporation recover for such corporation all such money from the officer expending it or ordering or voting for its expenditure.

§ 94. FIRE ESCAPES REQUIRED.] One or more stationary fire escapes, consisting of stairways, shall be attached to the outside of each and every story above the first story, of all school houses in the state having more than one story and not provided with a front and rear exit, each at least four feet six inches in width.

§ 95. DUTY OF SCHOOL OFFICERS.] It shall be the duty of all persons including trustees, boards of directors and boards of education having charge of such school houses, to comply with the provisions of the last section.

§ 96. PENALTY.] Any and all such persons failing to comply with the provisions of sections 94 and 95 of this act shall be guilty of a misdemeanor.

§ 97. DUTIES OF DISTRICT SCHOOL BOARDS AS TO TREE PLANTING.] It is hereby made the duty of every district school board in the state of North Dakota to plant trees and shrubs upon the grounds of every school house in their district and to encourage school children to plant such trees and shrubs and to cultivate and protect the same.

§ 98. FENCES.] Where stock is permitted to run at large it is hereby made the duty of the district school board to cause to be erected about the grounds of every school house in each district a fence sufficient to protect the trees and shrubs upon the school house grounds from destruction by live stock, and such fence shall be provided with convenient gates or stiles; provided, further, that in the construction of such fence barbed wire shall not be used.

§ 99. FUNDS FOR TREE PLANTING AND CULTIVATION.] The district school board is hereby empowered and it shall be its duty to expend not less than ten dollars annually for each school yard out of the funds of the school district for the purpose mentioned in the foregoing section.

§ 100. STABLES IN RURAL DISTRICTS. HITCHING POSTS.] If in any rural school district, a petition signed by the persons charged with the support and having the custody and care of eight or more children of school age is presented to the school board asking for the building of a suitable stable upon the school site, the board shall provide such stable without unnecessary delay. It shall be the duty of the school board in rural districts to provide for substantial hitching posts for each school site in the district.

ARTICLE—VII.—SCHOOL FUNDS.

§ 101. STATE TUITION FUND. HOW RAISED.] The net proceeds arising from all fines and penalties for violation of state laws, from leasing the school lands and the interest and income from the state permanent school fund shall be collected and paid into the state treasury in the same manner as is provided by law for the collection and payment of state taxes, and shall constitute the state tuition fund, which shall be apportioned among the several counties of the state in proportion to the number of children of school age in each as shown by the last enumeration authorized by law.

§ 102. COUNTY TREASURER TO REPORT STATE TUITION FUND QUARTERLY.] It shall be the duty of the county treasurer to receive from the proper officers the net proceeds of fines, penalties and forfeitures for violation of state laws, and all moneys arising from leasing of school lands within the county, and to forward a detailed statement of moneys so collected, specifying the amount received from each of the above sources, to the state auditor at the same time that he is required to make reports of other moneys to such auditor.

§ 103. DUTY OF STATE AUDITOR.] It shall be the duty of the state auditor on or before the third Monday in February, May, August, and November in each year to certify to the superintendent of public instruction the amount of the state tuition fund and the superintendent of public instruction shall immediately apportion such funds among the several counties of the state in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law and certify to the state auditor, state treasurer and to the county treasurer and county superintendent of each county, the amount apportioned to the respective counties. Immediately upon receipt of such apportionment from the state superintendent as herein provided, the state auditor shall draw a warrant upon the state treasurer for the full amount of the state tuition fund apportioned to the several counties and shall deliver the same

to the state treasurer, taking his receipt therefor and shall notify the several county treasurers of the amount due their respective counties and that such warrant has been issued therefor, and the state treasurer shall pay on such warrant to the several county treasurers the amount due their respective counties.

§ 104. FUNDS KEPT SEPARATE.] All moneys arising from interest on the permanent school fund and from leasing school lands shall be apportioned under a separate item and such money shall be taken account of as a separate item by all officers making or certifying such apportionment, or through whose hands any portion of such funds shall pass and it is further made the duty of the district treasurer to keep such funds separate from all other funds and if at the close of the school year any part of such funds which was apportioned prior to the third Monday of May of such year remains in the hands of the district treasurer, he shall transfer the same to the general fund of the district to which it was apportioned.

§ 105. FUNDS DEFINED. HOW USED.] All moneys received by the school district from the apportionment made by the superintendent of public instruction shall constitute and be designated the state tuition fund. All moneys received from district taxes, from subscription, from sale of property, or from any other source whatever except from apportionment made by the superintendent of public instruction shall be designated the general fund. In addition to the state tuition fund and the general fund, a sinking fund may be established as provided by this article. The state tuition fund shall be used only in the payment of teachers' salary; provided, that if the amount of state tuition apportioned to any district in any one year is insufficient for the payment of teachers' salary in such district, any money on hand or available belonging to the general fund of such district may be applied to meet such deficiency; provided, further, that if the state tuition fund apportioned to any district in any one year is more than sufficient for the payment of teachers' wages in such district the portion of such fund in excess of the amount so required shall be transferred to and become a part of the general fund.

§ 106. FUNDS CONTROLLED AND PAID OUT BY COUNTY TREASURER.] All funds shall be kept in the possession or under the control of and paid out by the district treasurer except as otherwise provided in this chapter, and he shall keep for each district one general account of the entire receipts and expenditures, and separate itemized accounts, as herein provided, for each class of receipts and expenditures. His books shall at all times show by entries under proper heads all receipts of fund and payments made therefrom, so as to enable any person readily to ascertain the balance in any fund.

§ 107. NOT ENTITLED TO TUITION FUND, WHEN. ENUMERATION.] No school district shall be entitled to receive any portion of the

state tuition fund that fails to make a report of the enumeration of the children of school age in the manner provided by law, nor until the enumeration has been taken and reported as required by law. The county superintendent is empowered to withhold the payment of county tuition from any district whose officers have failed to make the reports required by law; and, further, the county superintendent shall not authorize the payment of money apportioned to any district unless the bond and oath of the treasurer of such district has been duly approved and filed as provided by law.

§ 108. ENUMERATION IN NEW DISTRICTS.] New districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided by law, and after the receipt of such enumeration by the superintendent of public instruction through the county superintendent, the newly organized district shall receive its proportionate share of the funds to be apportioned.

§ 109. APPORTIONMENT OF FUNDS WITHHELD, WHEN.] The county superintendent shall have the right to withhold the apportionment of the county tuition fund (two mill tax and school poll tax) from any school district other than the new districts herein provided for, which has not maintained school therein for a period of not less than six school months in each school of said district during the school year preceding such apportionment or has not otherwise provided school facilities for the pupils of that district; provided, further, that it shall be mandatory upon the county superintendent to withhold the apportionment of the county tuition funds from any district which has not maintained school for a period of at least five months in each school in said district or has not otherwise provided school facilities for the pupils of that district for the school year preceding such apportionment; and when such apportionment of county tuition fund shall be withheld by the county superintendent from any district, it shall revert from the funds from which it was originally apportioned.

§ 110. APPORTIONMENT OF STATE TUITION FUNDS BY COUNTY SUPERINTENDENT.] Within thirty days and not less than twenty days after receiving the certificate of apportionment from the superintendent of public instruction and the certificate from the county auditor as provided for in section 118 of this chapter, the county superintendent shall apportion separately to the several school districts, which are entitled to any portion of the state tuition and special funds within the county, in proportion to the number of children residing in each district over six and under twenty-one years of age as appears from the last enumeration authorized by law, upon which the superintendent of public instruction made the apportionment to the several counties, and he shall immediately notify each district treasurer of the amount of tuition fund in the county treasury due the district, and shall

certify to the county treasurer and to the county auditor the amount due each school district. The county treasurer shall deliver to the several school treasurers, upon the order of the county auditor, the amounts apportioned to their respective districts, taking a receipt therefor.

§ 111. TREASURER'S ACCOUNTS. ANNUAL SETTLEMENT.] The district treasurer shall open new accounts with each fund at the beginning of each school year, and the balance of each fund shall be brought down and become a part of the first entry in opening the account for the new year. On the second Tuesday in July, the school board shall make settlement with the district treasurer, and shall carefully examine his books, accounts, and vouchers, and shall ascertain if the amount of all warrants, bonds and coupons paid and redeemed or paid in part, together with the cash in his hands or under his control, is equal to the amount of cash on hand at the beginning of the school year, together with all money received by him from all sources for school purposes during the year. The district treasurer shall deliver to the board at such annual meeting, all warrants, bonds, and coupons paid and redeemed by him during the school year and held by him as vouchers, taking the receipt of the board therefor, and such vouchers shall forthwith be filed with the district clerk. He shall at that meeting make his annual report in triplicate, one copy to be preserved in the treasurer's office, one to be filed with the clerk of the school board and one to be transmitted to the county superintendent of schools, and the board shall cause to be published an itemized statement of the receipts and expenditures of the preceding year in a newspaper of the county nearest said school district; provided, that if said board or treasurer shall have failed to publish said statement by the first of September following the presentation of the treasurer's annual report, then it shall be the duty of the county superintendent of schools to cause the publication of the same in a newspaper of the county, said publication to be paid for by the school district. The treasurer's reports shall show the following:

RECEIPTS.

- The balance at the close of the year.
- The amount received into the state tuition fund.
- The amount received into the special fund.
- The amount received into the county tuition fund.
- The amount received into the sinking fund.

EXPENDITURES.

- The amount paid for school houses, sites and furniture.
- The amount paid for apparatus and fixtures.
- The amount paid for teachers' wages.

The amount paid for services and expenses of school officers.

The amount paid for redemption of bonds.

The amount paid for interest on bonds.

The amount paid for incidental expenses.

The cash on hand at the close of the school year.

Such report shall include such other items as may be required by the district board, or the superintendent of public instruction, and shall be upon and in conformity with the blanks furnished him for that purpose.

§ 112. WHEN COUNTY TREASURER TO FAY FUNDS TO DISTRICT TREASURER.] The treasurer of each district shall apply to the county auditor for an order, and the county treasurer shall pay over to him on such order all of the school money collected for such district and all school money apportioned to such district by the county superintendent of and the county auditor shall issue such order; provided, such district treasurer has qualified and filed his oath and bond as provided by law. It shall be the duty of the county treasurer, when payment is made to any school treasurer or any funds herein provided for, immediately to notify the clerk of the school board of the payment of the same.

§ 113. COUNTY TREASURER TO KEEP ACCOUNTS WITH THE SCHOOL CORPORATIONS.] Each county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the district school board and all sums apportioned to the district by the county superintendent or other authority and all sums received from the district, and he shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from county taxes and those from other sources. He shall also credit himself with all payments for redemption or endorsement of warrants in the collection of taxes and shall deliver to the district treasurer a duplicate tax receipt for the amount of each warrant so indorsed or redeemed, together with all warrants so redeemed at the time of making other regular payments to the district treasurer. To these credits, to balance the accounts, he shall add all items for legal fees, for collection and other duties.

§ 114. SCHOOL TAXES, HOW AND WHEN COLLECTED.] It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and state taxes are collected, and full power is hereby given him to sell property for school taxes the same as is provided by law for the collection of other taxes, whenever an error occurs in the tax list of any school district, the school board or board of education in special or independent districts or districts organized under special laws may correct such errors and refund such taxes improperly collected. All penalties and interest collected on delinquent school taxes shall be applied to the proper fund to which such delinquent taxes belong.

ARTICLE VIII.—TAXES.

§ 115. SCHOOL BOARD TO LEVY TAX.] Each district school board shall have power and it shall be its duty to levy upon all property subject to taxation in the district, a tax for school purposes of all kinds authorized by law, not exceeding in the aggregate a rate of thirty mills on the dollar in any one year. Such tax shall be levied by resolution of the board prior to the twentieth day of July of each year, which resolution shall be entered in the records of the proceedings of the board. The clerk shall immediately thereafter notify the county auditor in writing of the amount of tax levied, and such notice shall be in substantially the following form:

STATE OF NORTH DAKOTA, }
COUNTY OF } ss.
----- School District

To. County Auditor of County:
Sir:

You are hereby notified that the School Board of School District has levied a tax of dollars upon all real and personal property in said school district for school purposes. You will duly enter and extend such tax upon the county tax list for collection upon the taxable property of such school district for the current year.

Dated at this day of 19

----- District Clerk.

§ 116. LEVY TO PAY JUDGMENT.] The notice of a tax levy to pay any judgment against the district shall be in addition to the regular tax and shall be certified to the county auditor under the same general form, as near, as may be; provided, that if the boundaries of such district shall embrace a portion of two counties then the clerk of such district shall certify to the county auditor of the county in which is located the original district to which such portions of the district embraced in the other county is attached, in addition to the tax levy above mentioned, a list and valuation of all property subject to taxation in such portion of such district embraced in the other county, as shown by the assessor making the assessment in such county, township or assessor's district, and the auditor shall enter such property upon the tax duplicate of his county and levy all school taxes upon the same, and the county treasurer of the county shall collect the taxes levied thereon the same as other taxes are collected and pay the same over as provided by law.

§ 117. TAX, HOW LEVIED.] The county auditor of each county shall at the time of making the annual assessment and levy of

taxes levy a tax of one dollar on each elector in the county for the support of public schools, and a further tax of two mills on the dollar on taxable property in the county, to be collected at the same time and in the same manner as other taxes are collected, which shall be apportioned by the county superintendent of schools among the school districts of the county.

§ 118. HOW APPORTIONED.] It shall be the duty of the county auditor on or before the third Monday in February, May, August, and November in each year, to certify to the county superintendent of schools the amount of such county tuition fund, which the county superintendent of schools shall apportion among the several school districts in the same manner as provided for the apportionment of the state tuition fund. The county superintendent shall file with the county auditor and the county treasurer a certified statement showing the amount apportioned to each district.

§ 119. APPORTIONMENT OF DELINQUENT TAXES.] It shall also be the duty of the county auditor to certify at the time herein specified the amount of delinquent taxes collected for the special tuition fund prior to those levied for the year 1899 which amounts shall be apportioned by the county superintendent of schools as herein provided.

§ 120. MAXIMUM LEVY FOR FINAL JUDGMENT. TAXES TO BE UNIFORM.] When any final judgment shall be obtained against a school district the board thereof shall levy a tax upon the taxable property of such district not exceeding in amount twenty mills on the dollar in any one year, which shall be used in the payment thereof. The county auditor shall make out, charge and extend upon the tax list against each description of real property and against all personal property, and upon all taxable property of the district, all such taxes for school and judgment of which he has been notified, have been levied by the district in which the property is situated and taxable, in the same manner in which the county and state tax list is prepared, and deliver it to the county treasurer at the same time. All taxes for school purposes shall be uniform upon the property within each school district.

§ 121. INDEBTEDNESS OF DISTRICT. HOW ADJUSTED WHEN NO LEGAL SCHOOL BOARD EXISTS.] If any school district in the state has for one or more years past, either through failure to elect a school board or through a failure of the county superintendent to appoint a school board, been without a legal school board or if hereafter any school district through such failure to elect or appoint such school board shall be without such legal school board and such district shall have an authorized indebtedness either in bonds, interest due on bonds or otherwise, it shall be the duty of the county superintendent, the county treasurer and county auditor, acting as a board of adjusters, to assess upon the taxable property of such school corporation a tax not to exceed twenty mills on the dollar in any one year upon the assessed valuation

thereof for the payment of the same. Which tax so levied shall be extended upon the tax lists by the county auditor and be collected, and shall be applied upon and used for the payment of such indebtedness and shall be paid to the creditors of such district upon the warrant of the county auditor, countersigned by the county superintendent, and all warrants, bonds, interest coupons, receipted bills or accounts shall be filed in the office of the county auditor, and in the case such school corporation has a bonded indebtedness, it shall be the duty of such board of adjusters to levy a tax upon the property of such district sufficient to create a sinking fund for the redemption of such bonds upon the maturity of the same, such sinking fund to be levied and provided for in compliance with the requirements of such bonds.

ARTICLE IX.—SPECIAL DISTRICTS.

§ 122. CITIES GOVERNED BY THE PROVISIONS OF THIS ARTICLE.] All cities and incorporated towns and villages which have heretofore been organized under the general school laws, and which are provided with a board of education, shall be governed by the provisions of this article. Any city, or incorporated, or platted town or village, may be constituted a special school district in the manner hereinafter prescribed, and shall then be governed by the provisions of this article; provided, that any city heretofore organized for school purposes under a special act, may adopt the provisions of this article by a majority vote of the voters therein, in the same manner as is provided for the organization of a new corporation under the provisions of this article.

§ 123. SPECIAL SCHOOL DISTRICTS.] Whenever any platted or incorporated city, town or village shall constitute a portion of a school district, it may be organized into a special school district, alone or with contiguous territory, and the property and indebtedness of such organized school district divided as hereinafter provided.

§ 124. SUPERINTENDENT SHALL CALL ELECTION ON PETITION. WHEN.] In such cases a petition signed by a majority of the voters of such school district, including women who are legal voters, may be presented to the county superintendent of schools for the division of such school district and the organization of such city, town or village, together with such territory contiguous thereto as may be described in said petition, into a special school district, and setting forth in detail the boundaries of such proposed special district, the manner and terms of the division of the property, real and personal, and the indebtedness, bonded or otherwise, of such school district as desired by the petitioners, and thereupon such superintendent shall within five days call an election to be held in such proposed special district, incorporated city, town or village, and an election to be simultaneously held in that portion of such school district, situated outside of such proposed special school district, city, town or village.

§ 125. NOTICE GIVEN, ELECTION. HOW HELD.] Such superintendent shall cause notice of each of such elections to be given by publishing notice thereof, stating the time and place of holding such elections, in a newspaper, published in such school district (if any), and if there is no newspaper published in such school district, then by posting three notices of the election to be held, in such proposed special school district, city, town or village, and in three public places in said district outside of such proposed special school district, city, town or village. Such notices shall be posted or published not less than fourteen days before such election. Such superintendent shall appoint judges and clerks of such elections and the same shall be held and conducted in the same manner, and the polls shall be opened at the same time as in other school district elections, and the result of such elections shall be certified and delivered to such superintendent within three days after the close of the polls.

§ 126. BALLOTS. HOW PRINTED.] There shall be printed or written on the ballots used at such election the following statement: "For division of (here state the name of the district to be divided) and the division of its property and debts as follows: (here state the boundaries of the proposed special school district and the manner and terms of such division as set forth in the petition filed)." The voter shall write after such statement the word "yes" if in favor of such division, and the word "no" if against it.

§ 127. SUPERINTENDENT SHALL NOTIFY PRESIDENT OF SCHOOL BOARD.] Such superintendent shall thereupon forthwith notify the president of the school board of such school district and the auditor or clerk of such city, town or village, of the result of such elections.

§ 128. DISTRICTS CONSTITUTED.] If such elections shall each be in favor of the division of such school district, such proposed special school district, city, town or village shall thereafter constitute a special school district; and such original school district situated outside of such special school district, city, town or village, shall constitute a common school district.

§ 129. ELECTION FOR SPECIAL DISTRICT AND COMMON DISTRICT.] The county superintendent shall thereupon call an election for the election of officers of such special school district and common school district, of which election notice shall be given for at least fourteen days; such elections shall be held as in other cases, in common school districts and special school districts, and such special school district shall thereafter be subject to all provisions of law affecting other school districts.

§ 130. DIVISION OF PROPERTY.] Such school district and such special school district shall thereupon proceed to divide the property of such original school district according to such petition and shall be bound respectively to pay the indebtedness of such

district as provided in such petition, and may make any contracts or conveyances necessary to carry into effect all the provisions of such petition.

§ 131. BONDED INDEBTEDNESS. TAX TO BE LEVIED TO PAY.] In case such original school district shall have outstanding any bonded debt for the payment of which no sufficient levy of taxes has been made, the board of education of such special school district and the school board of such school district, shall at the time of making the next annual tax levy, levy a tax sufficient to pay the interest and also the principal of so much of such bonded debt as shall be assumed by said special school district and such common school district respectively as the same mature, and shall designate the amount of such tax to be collected in each year thereafter, and shall certify such levy to the county auditor, who shall thereupon enter and extend upon the tax list in each year the amount of such tax to be collected in that year.

§ 132. BONDED DEBT. SPECIAL SCHOOL DISTRICT AND COMMON SCHOOL DISTRICT TO PAY.] Such special school district and such common school district shall provide for and pay according to the terms of the bonds, such portion of bonded debt as is assumed by it.

§ 133. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a board of education under any general law, or a special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of education thereof, upon application in writing signed by a majority of the voters of such adjacent territory; provided, that no territory shall be annexed which is at a greater distance than three miles from the central school in such special district, except upon petition signed by two-thirds of the school voters residing in the territory which is at a greater distance than three miles from the central school in such special district; and upon such application being made, if such board shall deem it proper and to the best interests of the school of such corporation and of the territory to be attached, an order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board. Such territory shall from the date of such order be and compose a part of such corporation for school purposes only. Such adjacent territory shall be attached for voting purposes to such corporation, or, if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and upon such school questions; provided, that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county, and provided, that the county commissioners may detach any part of such adjacent

territory which is at a greater distance than three miles from the central school in such special district and attach it to any adjacent common or special school district or districts upon petition to do so, signed by three-fourths of the legal voters of such adjacent territory; provided, further, that in all cases fourteen days' notice of a hearing before the board shall be given, by publication in the nearest newspaper and posted notices in conspicuous places, three in the special district, three in the territory sought to be annexed, and three in the district remaining from which the territory shall be taken. And such territory shall not become a part of the special district until five days after such hearing, upon order of the board as hereinbefore provided; and all assets and liabilities shall be equalized according to section 217.

§ 134. NAME OF BODY CORPORATE.] Every such district shall be a body corporate for school purposes by the name of "The Board of Education of the City, town or village (as the case may be) of (here insert the corporate name of the city, town or village) of the State of North Dakota," and shall possess all the powers and duties usual to corporations for public purposes or conferred upon it by this article or which may hereafter be conferred upon it by law; and in such name it may sue and be sued, contract and be contracted with, and hold and convey such real and personal property as shall come into its possession by will or otherwise; and it shall procure and keep a corporate seal by which its official acts may be attested.

§ 135. CONVEYANCE OF SCHOOL PROPERTY. HOW EXECUTED.] Any such city or incorporated town or village is authorized and required upon the request of the board of education, to convey to such board of education all property within the limits of any such corporation heretofore purchased by it for school purposes and now held and used for such purposes, the title to which is vested in any such civil corporation. All conveyances for such property shall be signed by the mayor or president of the board of trustees or commission and attested by the clerk of such corporation, and shall have the seal of the corporation affixed thereto and be acknowledged by the mayor or president in the same manner as other conveyances of real estate.

§ 136. SPECIAL SCHOOL DISTRICTS. HOW ORGANIZED.] When a petition signed by one-third of the voters of a city, incorporated or platted town or village, or a school district in which is located a city or incorporated or platted town or village entitled to vote at such election, is presented to the council, commission or board of trustees of such city, incorporated or platted town or village or school district, asking that such city, incorporated or platted town or village or school district be organized as a special school district, such council, commission or board of trustees shall within ten days order an election for such purpose, notice of which shall be given,

and the election conducted and the returns made in the manner provided by law for the annual school election; and the voters of such city, incorporated town or village or school district shall vote for or against organization as a special school district at such election.

§ 137. ELECTION OF FIRST BOARD OF EDUCATION.] If a majority of the votes cast at such election is for organization as a special school district, another election shall be called in the same manner as is prescribed in the foregoing section, at which the voters of such city, incorporated town or village or school district shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter, and until their successors are elected and qualified, and their respective terms shall be determined by lot.

§ 138. TERMS OF OFFICE. QUORUM.] The board of education of each special district shall consist of five members who shall be elected by the legal voters thereof and who shall hold their office for the term of three years and until their successors are elected and qualified, except as provided for first elections under this article; and three members shall constitute a quorum for the transaction of business at any legal meeting.

§ 139. COMPENSATION OF MEMBERS. MUST NOT BE INTERESTED IN CONTRACTS.] Each member of such board of education shall receive a compensation of one dollar and fifty cents for each meeting of such board actually attended by him; provided, that no compensation shall be allowed for more than one meeting in each calendar month. The members shall not be interested, directly or indirectly, in any contract for making any improvements or repairs, or for erecting any building or for furnishing any materials or supplies for their district.

§ 140. MEETINGS OF BOARD.] The annual meeting of such board of education shall be held on the second Tuesday in July following the annual election, at which time the newly elected members shall assume the duties of their office. The board shall meet for the transaction of business as often as once in each calendar month thereafter and may adjourn for a shorter time. Special meetings may be called by the president or in his absence by any two members of the board or by giving a personal notice to each member of the board or by causing a written or printed notice to be left at his place of residence, at least forty-eight hours before the time of such meeting.

§ 141. ORGANIZATION OF BOARD.] At the annual meeting on the second Tuesday in July of each year such board of education shall organize by electing a president from among its members who shall serve for one year; and they shall also elect a clerk, not one of their own number, who shall hold his office during the pleasure of the board and receive such compensation for his services as shall be fixed by the board. In the absence of the presi-

dent at any meeting, a president pro tempore may be elected by the board.

§ 142. DUTIES OF PRESIDENT.] The president shall preside at all meetings of the board, appoint all committees whose appointment is not otherwise provided for and sign all warrants ordered by the board to be drawn upon the treasurer for school moneys and perform other acts required by law.

§ 143. DUTIES OF CLERK. RECORDS.] The clerk shall keep a true record of all the proceedings of the board, take charge of its books and documents, countersign all warrants for school moneys drawn upon the treasurer by order of the board and affix the corporate seal thereto and perform such other duties as the board may require. The records, books, vouchers and papers of the board shall be open to examination by any taxpayer of the district. Such record or a transcript thereof certified by the clerk and attested by the seal of the board, shall be received in all courts as *prima facie* evidence of the facts therein set forth.

§ 144. POWERS AND DUTIES OF BOARD.] Each board of education shall have the power and it shall be its duty:

1. To establish a system of graded common schools which shall be free to all children of legal school age, residing within such special district, and shall be kept open not less than seven nor more than ten months in any year.

2. To establish and maintain such schools in its city, town or village as it shall deem requisite or expedient and to change or discontinue the same.

3. To establish and maintain a high school, whenever in its opinion the educational interests of the corporation demand the same, in which such courses of study shall be pursued as shall be prescribed or approved by the superintendent of public instruction, together with such additional courses as such board of education may thereafter deem advisable to establish.

4. To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence and otherwise improve them as it deems proper.

5. Upon such lots and upon such sites as may be owned by such special district, to build, alter, enlarge, improve and repair school houses, outhouses and appurtenances as it may deem advisable.

6. To purchase, sell, exchange, improve and repair school apparatus, text books for the use of the pupils, furniture and appendages, and to provide fuel for the schools.

7. To have the custody of all school property of every kind and to see that the ordinances and by-laws of the city or village in relation thereto are observed.

8. To contract with, employ and pay all teachers in such schools and to dismiss and remove for cause any teacher whenever the interests of the school may require it; but any such teacher shall be required to hold a certificate to teach, issued by

the county superintendent or the superintendent of public instruction, and if any such teacher holds only an elementary certificate the board may impose such further requirements as the best interests of the several grades may require. No person who is related to any member of the board, by blood or marriage, shall be employed as a teacher without the concurrence of the entire board.

9. To employ, should it deem expedient, a competent and discreet person as superintendent of schools for a period not to exceed three years, and to pay such person a reasonable salary; such superintendent may be required to act as principal or teacher in such school.

10. To defray the necessary and contingent expenses of the board, including the compensation of its clerk.

11. To adopt, alter and repeal, whenever it may deem expedient, rules and regulations for the reception, organization, grading, government and instruction of pupils, their suspension, expulsion or transfer from one school to another. But no pupil shall be suspended or expelled except for insubordination, habitual indolence or disorderly conduct; such suspension shall not be for a longer period than ten days, nor such expulsion beyond the end of the current term of school.

12. Each member shall visit, at least twice in each year, all the public schools in the city or village.

13. To make a report on July 1st, or as soon thereafter as practicable, of the progress, prosperity and condition, financial as well as educational, of all the schools under its charge, a copy of which, together with such further information as shall be required by the superintendent of public instruction, shall be forwarded to the county superintendent, the same as reports are made by other school districts; and such report or such portion thereof as the board of education shall consider advantageous to the public, shall be published in a newspaper in the city or village, and in cities of over eight hundred inhabitants it may be published in pamphlet form.

14. To admit children of persons not living in such special district, and to fix and collect the tuition therefor, if in its judgment the best interests of the school will permit.

15. To cause an enumeration to be made annually, of the children of school age within such special district, including those residing in any territory thereto attached for school purposes, as provided for other school districts, and return the same to the county superintendent.

§ 145. SCHOOL UNDER SUPERVISION OF WHOM.] The schools of each special district shall be under the immediate supervision of the board of education or the school superintendent appointed by such board.

§ 146. TREASURER, CUSTODIAN OF SCHOOL MONEY.] All moneys from whatever source, which the board of education of any

special district shall by law be authorized to receive, shall be paid over to the treasurer of the said board and he shall charge the same to the proper fund.

§ 147. **TREASURER.]** The treasurer of any city, town or village comprising a special district shall be treasurer of the board of education thereof; provided, however, should the said special school district have within its boundaries and be comprised partly of territory without the limits of said city, town or village, then the said special school district shall elect, at its regular elections, a treasurer in the manner provided by law for the election of school district treasurer.

§ 148. **TREASURER. DUTIES OF.]** The treasurer of each board of education shall keep a true account of the receipts and expenditures of the various funds separately, and shall prepare and submit in writing a quarterly report of the state of the finances of the district, and shall, when required, produce at any meeting of such board, or any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office. He shall safely keep in his possession or under his control all school moneys coming into his hands, and shall pay out such moneys only upon a warrant signed by the president, countersigned by the clerk and attested by the corporate seal of the board.

§ 149. **TREASURER'S BOND.]** The treasurer of the board shall execute a bond to such board, with sufficient sureties to be approved by the board, in such sum as such board may from time to time require, as near as can be ascertained in double the amount of the moneys likely to come into his hands, conditioned for the faithful discharge of his duties as treasurer; which bond shall be in addition to his bond to the city, town or village. In case of the failure of the city, town or village treasurer to give such bond within ten days after being required so to do by such board of education, such treasurer's office shall become vacant and the council or board of trustees of such city, town or village shall appoint another person to his place, who shall give such additional bonds.

§ 150. **TAXABLE PROPERTY.]** The taxable property of the whole school corporation including the territory attached for school purposes shall be subject to taxation. All taxes collected for the benefit of the school shall be paid in money, and shall be placed in the hands of the treasurer, subject to the order of the board of education.

§ 151. **ANNUAL SCHOOL TAX.]** The board of education shall on or before the twentieth day of July of each year levy a tax for the support of the schools of the corporation, including any expenditures allowed by law, for the fiscal year next ensuing, not exceeding in any one year thirty mills on the dollar on all the real and personal property within the district which is taxable, according to the laws of this state, the amount of which levy

the clerk of the board shall certify to the county auditor, who is authorized and required to place the same on the tax roll of such county to be collected by the county treasurer as other taxes and paid over by him to the treasurer of the board of education of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall forthwith transmit to the clerk of the board of education.

§ 152. EXPENDITURES. CONTRACTS.] No expenditure involving an amount greater than one hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder, after public notice for fourteen days previous to receiving such bids.

§ 153. BOARD ASSUMES CONTROL AFTER EQUALIZATION OF DEBTS AND PROPERTY.] When any board of education shall be organized under the provisions of this article, it shall, after the equalization hereinafter provided for, assume control of the schools of the city, town or village, and shall be entitled to the possession of all property of the former district or districts or parts thereof lying within such city, town or village, for the use of schools. Such board shall also be entitled to its due proportion of all moneys on hand and taxes already levied but not collected, and shall be liable for a proper amount of the debts and liabilities of such former district, to be determined in the manner provided in this chapter for the equalization, determination and division of debts, property and assets of school districts consolidated or divided.

§ 154. SPECIAL DISTRICT MAY BECOME PART OF COMMON SCHOOL DISTRICT WHEN.] Any special district organized under the general school laws and provided with a board of education may become a part of the common school district in which it is located, whenever it is so decided by a majority vote of the school electors of the city, town or village and of such common school district voting at an election called for that purpose. An [election] for such purpose shall be ordered and proper notice thereof given by the board of education of the special district, and the school board of such common school district in the same manner as is required for the election of school officers in such district, when petitioned by one-third of the voters resident in such district; and when so united the determination and division of the debts, property and assets shall be made by arbitration as provided in this chapter for school districts consolidated or divided. Villages not incorporated but heretofore organized under the general school laws and provided with a board of education shall become a part of the school district in which they are located and the determination and division of the property, debts and assets shall be made by arbitration as aforesaid.

§ 155. ELECTION OF BOARDS OF EDUCATION IN SPECIAL DISTRICTS.] On the first Tuesday in June, each year, an election shall be held in each special district at which such members of the board of education shall be elected at large as shall be necessary to fill all vacancies therein caused by expiration of terms of office or otherwise, and each member elected shall serve for a term of three years commencing on the second Tuesday in July following his election and until his successor is elected and qualified except when elected to serve an unexpired term. The polls shall be open at 9 o'clock a. m. and kept open until 4 o'clock p. m. on the day of such election.

§ 156. NOTICE OF ELECTION.] Such election shall be called by the board of education of such special district, which shall cause notice thereof to be posted or published as required by law for the annual election of civil officers in the city, town or village comprising such special district; such notice shall be signed by the clerk, or, in his absence, by the president of the board of education of such district, and shall state the time and place of holding such election and what officers are to be elected and their terms.

§ 157. NOTICE OF ELECTION, FORM OF.] Such notice shall be in substantially the following form:

Notice is hereby given that on Tuesday, the..... day of June, A. D. an annual election will be held at..... (here insert polling place) for the purpose of electing the following members of the board of education (here insert terms for which they are to be elected), for the city, town or village..... (here insert name) and the polls will be open at nine o'clock a. m. and closed at four o'clock p. m. of that day.

By order of the board of education.

Signed:..... Clerk.

§ 158. ELECTION PRECINCTS AND OFFICERS OF ELECTION.] At least fourteen days prior to such election the board of education of each special district shall designate one polling place and appoint two persons to act as judges and two persons to act as clerks. Before opening the polls each of such judges and clerks shall take an oath that he will perform his duties as judge or clerk (as the case may be) according to law and to the best of his ability, which oath may be administered by any officer authorized to administer oaths or by either of said judges or clerks to the others.

§ 159. CANVASS OF RETURNS.] Such election shall be conducted, the votes canvassed in the manner provided by law for election of county officers, and returns shall be made showing the number of votes cast for each person for any office, which shall be signed by the judges and clerks of election, and the person receiving the highest number of votes for each office in the district

shall be declared elected, and the returns shall be filed with the clerk of the board of education within two days thereafter.

§ 160. CERTIFICATES OF ELECTION.] The clerk of the board shall give to each person elected at such election a certificate stating that he was duly elected as a member of the board of education and the time he is to take the oath and enter upon the duties of his office. Such clerk shall also, within five days, certify to the county superintendent of schools the persons so elected and their terms.

§ 161. OATH OF OFFICE.] Before entering upon the duties of his office each person elected or appointed as a member of the board of education shall take the oath or affirmation prescribed in section 211 of the constitution, which oath shall be filed with the clerk of the board.

§ 162. VACANCIES. HOW FILLED.] The board of education of each city, town or village shall have power to appoint a person to fill any vacancy which may occur in the board; and such appointee shall hold his office until the next annual school election, at which time a person shall be elected to serve for the unexpired term; but if such vacancy shall occur within ten days before an annual election, such appointee shall hold office until the annual election in the following year. When any such appointment shall be made the clerk shall certify the same to the county superintendent.

§ 163. BONDS, HOW AND WHEN ISSUED.] Whenever the taxes authorized by law shall not be sufficient or shall be deemed by the board of education to be burdensome, bonds may be issued and negotiated for the purpose of raising money to purchase a site or to erect suitable buildings thereon, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds of the school corporation; provided, that the issuance of such bonds shall first be authorized by the voters of such special district as hereinafter prescribed. Such bonds shall be signed by the president and clerk and attested by the corporate seal of the board, shall bear the date of their issue, and be payable in not less than five nor more than twenty years from their date, at such place as shall be designated upon their face.

§ 164. DENOMINATION OF BONDS.] The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at not more than five per cent per annum, payable semi-annually on the first day of January, and July in each year, shall show upon their face that they are issued for school purposes, and shall be sold at not less than par. Each bond shall have endorsed thereon the certificate of the clerk stating that such bond is issued pursuant to law and is within the debt limit prescribed by the constitution.

§ 165. BONDS. ELECTION FOR ISSUING.] Before issuing any such bonds the board of education shall call an election for the

purpose of submitting to the voters of the district the question of issuing such bonds, notice of which shall be given in the manner prescribed by law for giving notice of the annual election for the several officers of the city, town or village comprising such special district, except that such notice shall be given fourteen days before such election. Such election shall be conducted and the returns made in the manner provided for the annual election of members of the board of education and may be held at the time of the annual school election or at any other time named in such notice. The notice of such election shall clearly state the amount of the bonds proposed to be issued, the time in which they shall be made payable, the purpose for which they are to be issued, and the time and place such election will be held. At such election the voters shall have written or printed on their ballots "for issuing bonds" or "against issuing bonds," and if a majority of the votes cast is for issuing bonds such bonds shall be issued and negotiated by such board of education, but if a majority thereof is against issuing bonds such bonds shall not be issued, nor shall the question be again submitted for one year thereafter except for a different amount and then only upon a written petition of a majority of the voters of the district.

§ 166. BONDS TO SPECIFY WHAT. DEBT LIMIT.] The bonds, the issuance of which is provided for in the foregoing section, shall specify the rate of interest and the time when the principal and interest shall be paid; and no district shall issue bonds in pursuance of this article in a sum greater than five per cent of its assessed valuation, including other debts.

§ 167. LEVY FOR INTEREST AND SINKING FUND.] The board of education at the time of its annual tax levy for the support of schools shall also levy a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this article, and also to create a sinking fund for the redemption of such bonds, which it shall levy and collect in addition to the rate per cent authorized by the provisions aforesaid for school purposes, and such amount of funds when paid into the treasury shall be and remain a special fund for such purpose only, and shall not be apportioned in any other way except as hereinafter provided. At or before the issuance of any bonds as herein provided the board shall by resolution provide for such annual levy to pay the interest and to create such sinking fund, and such resolution shall remain in force until all such bonds and the interest thereon shall have been paid.

§ 168. INVESTMENT OF SINKING FUNDS. SCHOOL DISTRICTS.] All moneys raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under article 71 of Chapter 9 of the Civil Code of the state shall be invested annually by the board of education of any special school district in this state as follows, viz:

1. In the bonds of this state or of the United States.

2. A special school district board may designate one or more national or state banks in the county where such special school district is situated, as a depositary for such sinking fund, and in such case the school board shall advertise for at least fourteen days in some newspaper printed within the limits of said special school district, if there be one, if not, in the county where said school district is situated, for sealed proposals for the deposit of the sinking fund of such school district, reserving the right to reject any and all bids, and satisfying itself of the responsibility of all banks proposing to act as depositaries. Before any bank shall be designated as such depositary, it shall present to the school board a sealed proposal stating in writing what rate of interest will be paid for the deposit of such sinking funds, and shall submit to the board for its approval a bond payable to the special school district conditioned for the safe keeping and repayment of any funds deposited in such bank, which bond shall be signed by not less than three freeholders of this state as sureties or some surety bond company qualified to do business in this state, and such bond to be in the sum required by the school board and in no case to be less than double the probable amount of the funds to be deposited in such bank. The approval of such bond shall be endorsed thereon by the board and deposited with the county auditor, and any bank whose bond shall have been so approved shall thereupon be designated by the school board as a depositary for the sinking fund, and shall continue as such until such time as the board shall direct the withdrawal of such funds or until such funds are needed for the payment or the purchase of bonds as provided in this act. When the sinking fund of any special school district is deposited by the treasurer of the board of education of said school district in the name of the school district in such depositary, such treasurer and his sureties shall be exempt from all liability thereon by reason of loss of any such funds from the failure, bankruptcy or any other act of any such bank, to the extent only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy. Such depositary shall furnish to the clerk of the board of education of such special school district prior to the fifth day of July of each year, a verified statement of the school district account with such depositary for the year ending June 30th, which statement shall show a credit to such deposit account of all sums of interest accruing on the sinking fund deposited.

3. The board of education of any special school district may buy and cancel the bonds of such district and pay for the same with the moneys in the sinking fund created to pay such bonds.

4. In first mortgages on farm lands in this state only in the following manner, to-wit:

(a) That said first mortgages and all of them shall run for a period of time not to exceed ten years and that the funds so invested shall bear interest at a rate not less than six per cent

per annum and such interest when paid shall be covered into and become a part of the said sinking fund.

(b) First mortgage loans shall be made only upon cultivated lands within the state, and in no case on lands of which the appraised value is less than seven dollars and fifty cents per acre, and in sums not to exceed forty per cent of the appraised valuation of such lands. Such appraisement to be made by the school board of such special school district or by some competent person designated by them for the purpose.

§ 169. SATISFACTION AND FORECLOSURE OF MORTGAGES.] All or any of said mortgages may be satisfied at any time after five years from the date when made, on payment of the full amount due thereon, by any instrument in writing executed in the corporate name of the special school district which shall be the payee in all notes taken for loans as herein provided and the mortgagee in all mortgages taken. Such instrument to be executed and acknowledged in the same manner as is or may be provided for by law for the execution and acknowledgment of transfers of real estate by corporations. Such mortgages may be foreclosed by advertisement or an action in the name of the special school district in any court of competent jurisdiction as is now or may be provided by law.

§ 170. INTEREST COUPONS.] When the interest coupons of the bonds hereinbefore authorized shall become due they shall be promptly paid by the treasurer, upon presentation, out of any moneys in his hands collected for that purpose, and he shall indorse in red ink upon the face of such coupons the word "paid" and the date of payment and sign the initials of his name.

§ 171. SECURITY FOR PAYMENT OF BONDS.] The school fund and property of such school corporation and territory attached for such purposes is hereby pledged to the payment of the interest and principal of the bonds mentioned in this article as the same may become due.

§ 172. BOND REGISTER.] The clerk of the board of education shall register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the board, which register shall show the number, date and amount of such bonds and to whom payable.

§ 173. REFUNDING BONDS. ISSUANCE OF.] The board of education of any special or independent school district shall have power, whenever two-thirds of the members of such board shall deem it necessary for the best interests of such school district, to issue bonds for the purpose of refunding any outstanding bonds when the same become due. Such bonds shall be issued in denominations of fifty dollars or some multiple of fifty, and shall not exceed in amount the face value of the bonds they are issued to replace, and shall not bear a higher rate of interest than five per cent per annum, payable semi-annually on the first day of

January and July of each year, nor run for a longer period than twenty years.

§ 174. BONDS MAY BE EXCHANGED.] Such refunding bonds may be exchanged at par for an equal amount of outstanding bonds or may be sold at not less than par value and the proceeds applied solely to the payment of the bonds to be refunded, except that any premium that may be received on the sale of such bonds shall be kept as a separate fund and used for the payment of the interest on such bonds.

§ 175. ISSUE OF BONDS. HOW GOVERNED.] In the issuance of such refunding bonds the board of education shall be governed by the provisions of sections 165 to 171.

§ 176. SURPLUS FUNDS. HOW TRANSFERRED.] Any moneys remaining in the treasury of such school districts, appropriated or held for the purpose of paying such bonds so refunded, may, at the discretion of the board of education at any time within six months after such refunded bonds have been taken up and cancelled, be transferred to the building or contingent fund of such district.

ARTICLE X.—INDEPENDENT SCHOOL DISTRICTS.

§ 177. INDEPENDENT SCHOOL DISTRICTS. HOW ORGANIZED.] Any city heretofore organized for school purposes under a special law and provided with a board of education may become incorporated as an independent school district under the provisions of this article in the manner following: Whenever one-eighth of the legal voters of such city voting at the preceding municipal election shall petition the mayor and council thereof to submit the question as to whether such city shall establish an independent school district under this article to a vote of the electors in such city it shall be the duty of such mayor and council to submit such question accordingly and to appoint a time and place or places at which such vote may be taken and to designate the persons who shall act as judges at such election, but such question shall not be submitted oftener than once in two years.

§ 178. NOTICE OF ELECTION.] The mayor of such city shall cause at least fourteen days notice of such election to be given by publishing a notice thereof in one or more newspapers within such city, but if no newspaper is published therein, then by posting at least five copies of such notice in each ward or voting precinct.

§ 179. FORM OF BALLOTS. RETURNS.] The ballots to be used at such election shall be in the following form: "For establishing an independent school district," or "against establishing an independent school district." The judges of such election shall make returns thereof to the city council whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for establishing an independ-

ent school district, such independent school district shall henceforth be deemed to be organized under this article and the board of education then in office shall thereupon exercise the powers conferred upon the officers in this article until their successors are elected and qualified.

§ 180. BOUNDARIES OF INDEPENDENT DISTRICTS.] All that portion included within the corporate limits of any city, together with the additions that are now or may be hereafter attached to such city limits shall be constituted and established an independent school district to be designated as the "Independent School District of the City of....." and a board of education is hereby established for the same.

§ 181. MEMBERS OF BOARD. HOW ELECTED. QUORUM.] Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards, then such city shall elect one member of such board at large, and when such city is divided into an odd number of wards, such city shall elect two members of such board at large. Such members shall hold their office for the term of three years and until their successors are elected and qualified. Provided that at the first election in independent districts hereafter organized members from even numbered wards shall be elected for a term of one year; and members from odd numbered wards for a term of two years; and members at large shall be elected for a term of three years. Provided further that in such cities as have heretofore been organized as independent school districts, the term of office for which the members of such independent school districts were elected shall not be changed; but at the first election of members at large they shall be elected for a term of three years, and the members from even numbered wards shall be elected for the term of one year; and at the first election of members from odd numbered wards, they shall be elected for the term of three years and thereafter the term of office of all of said members shall be three years. A majority of said board shall constitute a quorum for the transaction of business.

§ 182. DATE OF ELECTION. CANVASS OF VOTES.] The election referred to in the foregoing shall be held on the third Monday in April of each year, at the usual polling place for municipal elections in each ward. The mayor shall have authority and is hereby empowered to appoint two judges and one clerk for such election, who shall open the polls at the hour of eleven o'clock in the forenoon and hold the same open until five o'clock in the afternoon of the same day. Such elections shall be conducted in all respects and the polls closed and votes canvassed in the same manner as municipal elections, and the judges shall have the same power and authority in all respects as the judges of election for municipal officers, and after the votes are canvassed the judges shall make their returns to the city clerk or auditor, as the case may be, within twenty-four hours after the polls are

closed, and the city council shall canvass such returns and declare the result within three days thereafter, which result shall be entered upon the records of the city, and it shall be the duty of the city clerk or auditor to issue certificates of election to the persons declared elected. The judges and clerks of election shall receive the same compensation for their services as at municipal elections for mayor and aldermen.

§ 183. VACANCIES, HOW FILLED.] If any vacancy occurs in the board for any cause, the remaining members thereof shall fill such vacancy by appointment until the next annual election, and at such election a new member shall be elected to fill the unexpired term.

§ 184. STYLE AND POWERS OF BOARD.] The board so elected shall be a body corporate in relation to all the power and duties conferred upon it by this article and shall be styled "The Board of education of the Independent School District of the City of (here insert the name of the city,)" and as such shall have the power to sue and be sued, contract and be contracted with, and shall possess all the powers usual and incident to such bodies corporate, and such as shall be herein given, and shall procure and keep a corporate seal. At each annual meeting of the board the members thereof shall elect one of their number president of the board, and when he is absent a president pro tempore shall be appointed, who shall preside during such absence. The members so elected shall each qualify by taking the prescribed oath of office within ten days after receiving their certificates of election, and shall assume the duties of their office at the annual meeting of the board held on the first Tuesday in May of each year.

§ 185. RESPONSIBILITY OF BOARD.] The members of the board shall receive no compensation, nor be interested directly or indirectly in any contract for building or making any improvements or repairs provided by this chapter. They shall have the care and custody of all public property in such district pertaining to school purposes and the general management and control of all school matters.

§ 186. MEETINGS OF BOARD.] The regular meetings of the board shall be held on the first Tuesday of each month, and the board may hold special meetings upon notice. The regular meeting may be adjourned for any time shorter than one month. Special meetings may be called by the president or in case of his absence or inability to act, by any three members of the board as often as necessary by giving a personal notice in writing to each member of the board or by causing such notice to be left at his place of residence at least forty-eight hours before the hour of such special meeting.

§ 187. SECRETARY, DUTIES OF.] Such board shall appoint a secretary, who shall hold his office during the pleasure of the board and whose compensation shall be fixed by the board. The

secretary shall keep a record of the proceedings of the board and perform such other duties as the board may prescribe. Such record, or a transcript thereof, certified by the secretary and attested by the seal of the board, shall be received in all courts as *prima facie* evidence of the facts therein set forth; and such records and all books, accounts, vouchers and papers of the board shall at all times be subject to inspection by the members of such board or any committee thereof, or by any taxpayer of the district. For the purpose of economy the board may, if deemed advisable, appoint one of its own members secretary. The annual report of the secretary shall contain such items as may be required by the superintendent of public instruction.

§ 188. GENERAL POWERS OF BOARD.] The board shall have power and it shall be its duty:

1. To organize and establish such schools in the district as it shall deem requisite and expedient, and to change and discontinue the same.

2. To purchase, sell, exchange and lease school houses and rooms, lots or sites for school houses, and to fence and improve the same.

3. To build, enlarge, alter, improve or repair school houses, outhouses and appurtenances as it may deem advisable upon lots and sites owned by the district.

4. To purchase, sell, exchange, improve and repair school apparatus, books for indigent pupils, furniture and appendages and provide fuel for schools.

5. To have the custody and safe keeping of the school houses, outhouses, books, furniture and appurtenances, and to see that the ordinances of the city council in relation thereto are observed.

6. To contract with and employ a superintendent and all teachers in such schools for a period not to exceed three years, and remove them at pleasure.

7. To pay the salaries of such teachers out of the money appropriated and provided by law for the support of common schools in such district, so far as the same shall be sufficient, and the residue thereof from the money authorized to be raised by this article.

8. To defray the necessary and contingent expenses of the board, including the compensation of the secretary.

9. To have in all respects the superintendence, supervision and management of the public schools of such district and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, grading, government and instruction, for the reception of pupils and their transfer from one school to another, for the suspension and expulsion of pupils subject to the same restrictions as are contained in subdivision 11 of section 144, and generally for their good order, prosperity and utility.

10. To prepare and report to the city council of the city such ordinances and regulations as may be necessary and proper for the protection, safe keeping, care and preservation of school houses, lots and sites and appurtenances and all the property belonging to the district connected with or appertaining to the schools within the city limits, and to suggest proper penalties for the violation of such ordinances and regulations, and annually, on or before the first Monday in July, to determine and certify to the county auditor the rate of taxation in its opinion necessary and proper to be levied under the provisions of this article, for the year commencing on the first day of July thereafter, and also at any time to determine how many and what denomination of bonds shall be issued and sold to pay the extraordinary outlays required.

§ 189. POWERS OF BOARD.] The board shall have power and it shall be its duty to levy and raise from time to time, by tax, such sums as may be determined by the board to be necessary and proper for any of the following purposes:

1. To purchase, exchange, lease or improve sites for school houses.

2. To build, purchase, lease, enlarge, alter, improve and repair school houses and their outhouses and appurtenances.

3. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages.

4. To procure fuel, to pay janitors and defray the contingent expenses of the board, including the expenses of the secretary.

5. To pay teachers' salaries after the apportionment of public moneys which may be by law appropriated and provided for that purpose.

§ 190. VISITING SCHOOLS.] Each member of the board shall visit all the public schools in the district at least twice in each year of his official term, and the board shall provide that each of the schools shall be visited by a committee of three or more of their number at least once during such term.

§ 191. NON-RESIDENT PUPILS.] Such board of education shall have power to allow the children not resident in such district to attend the schools of such district under the control and care of such board, upon such terms as the board shall prescribe, fixing the tuition which shall be paid therefor.

§ 192. COLLECTION OF TAX.] The tax to be levied and collected as aforesaid by virtue of this article shall be collected in the same manner as other county taxes, and for that purpose the board of education shall have power to levy and cause to be collected such taxes as are herein authorized, and shall cause the amount for each purpose to be certified by the secretary to the county auditor in time to be added to and put upon the annual tax list of the county. And it shall be the duty of the county auditor to calculate and extend upon the annual assess-

ment roll and tax list the tax so levied by such board, and such tax shall be collected as other county taxes are collected.

§ 193. AMOUNT OF TAX LIMITED.] The amount raised for teachers' salaries and contingent expenses shall be only such as together with the public moneys coming to such district from the state and county fund and other sources shall be sufficient to maintain efficient and proper schools in such district. The taxes for the purchasing, leasing or improving of sites, and the building, purchasing, leasing, enlarging, altering or repairing of school houses shall not exceed in any year twenty mills on the dollar, of the assessed valuation of taxable property of the district, and the board of education is authorized and directed, when necessary, to borrow in anticipation, the amount of the taxes to be raised, levied and collected as aforesaid.

§ 194. AUTHORITY TO ISSUE BONDS.] The board of education of such district is authorized and empowered, and it is its duty whenever the board deems it necessary for the efficient organization and establishment of schools, including the purchase of school sites and the construction and furnishing of school houses, in such district, and when the taxes authorized by this article shall not be sufficient or shall be deemed by the board to be burdensome upon the tax payers of the district, from time to time to issue bonds of the district in the denomination of fifty dollars or some multiple of fifty, payable at a time not to exceed twenty-five years after date and bearing interest at a rate not to exceed five per cent per annum, payable semi-annually on the first day of January and July of each year; and to show upon their face that they are issued for the purpose of building or furnishing a school house or school houses, purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds; and the said board of education is authorized to cause the same to be sold at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of such board of education; and when any bonds shall be so negotiated it shall be the duty of the board to provide by tax for the payment of the principal and interest of such bonds; provided, that at no time shall the aggregate amount of such bonds, including all other indebtedness, exceed fifty mills on the dollar of valuation of the taxable property of such district, to be determined by the last city assessment.

§ 195. MONEYS PAID TO CITY TREASURER.] All moneys raised pursuant to the provisions of this article and all moneys which shall by law be appropriated to or provided for such district, shall be paid over to the city treasurer of the city, and the county treasurer shall from time to time as he shall receive the county school funds, and at least once in each month, on the first Monday thereof, pay over to such city treasurer the proportion thereof belonging to such district; and for that purpose the

board shall have the power to cause all needful steps to be taken including census reports or other acts or things, to enable such board to receive the school money belonging to such district, as fully and completely as though such district formed one of the school districts of the county where the same may be situated.

§ 196. BOND OF TREASURER.] The city treasurer of such city shall give a bond to such board of education in such sum as the board shall from time to time require, with two or more sureties to be approved by the board, conditioned for the safe keeping of the school funds, which shall be in addition to his other bond; and such treasurer and the sureties upon such bond shall be accountable to the board for the moneys that come into his hands, and in case of failure of such treasurer to give such bond when required by the board, or within ten days thereafter, his office shall become vacant and the city council shall appoint another person in his place.

§ 197. SCHOOL FUNDS, HOW KEPT AND PAID OUT.] All moneys required to be raised by virtue of this article shall be paid in cash or in warrants hereinafter provided, drawn on the school fund only, and such moneys and all moneys received by such district for the use of the common schools therein shall be deposited for safe keeping with such city auditor to the credit of the board of education, and shall by him be safely kept separate and apart from any other funds until drawn from the treasury as herein provided. Such treasurer shall pay out the moneys authorized by this article only upon warrants drawn by the president countersigned by the secretary and attested by the seal of such board of education.

§ 197½. INVESTMENT OF SINKING FUNDS. SCHOOL DISTRICTS.] All moneys raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under article 71 of Chapter 9 of the Civil Code of the state shall be invested annually by the board of education of any independent school district in this state as follows, viz:

1. In the bonds of this state or of the United States.

2. An independent school district board may designate one or more national or state banks in the county where such independent school district is situated, as a depository for such sinking fund, and in such case the school board shall advertise for at least fourteen days in some newspaper printed within the limits of said independent school district, if there be one, if not, in the county where said school district is situated, for sealed proposals for the deposit of the sinking fund of such school district, reserving the right to reject any and all bids and satisfying itself of the responsibility of all banks proposing to act as depositaries. Before any bank shall be designated as such depository it shall present to the school board a sealed proposal stating in writing what rate of interest will be paid for the deposit of such sinking funds, and shall submit to the board for

its approval a bond payable to the independent school district conditioned for the safe keeping and repayment of any funds deposited in such bank, which bond shall be signed by not less than three freeholders of this state as sureties or some surety bond company qualified to do business in this state, and such bond to be in the sum required by the school board and in no case to be less than double the probable amount of the funds to be deposited in such bank. The approval of such bond shall be endorsed thereon by the board and deposited with the county auditor, and any bank whose bond shall have been so approved shall thereupon be designated by the school board as a depositary for the sinking fund, and shall continue as such until such time as the board shall direct the withdrawal of such funds or until such funds are needed for the payment or the purchase of bonds as provided in this act. When the sinking fund of any independent school district is deposited by the treasurer of the board of education of said school district in the name of the school district in such depositary such treasurer and his sureties shall be exempt from all liability thereon by reason of loss of any such funds from the failure, bankruptcy or any other act of any such bank to the extent only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy. Such depositary shall furnish to the clerk of the board of education of such independent school district prior to the fifth day of July of each year, a verified statement of the school district account with such depositary for the year ending July 30, which statement shall show a credit to such deposit account of all sums of interest accruing on the sinking fund deposited.

3. The board of education of any independent school district may buy and cancel the bonds of such district and pay for the same with the moneys in the sinking fund created to pay such bonds.

§ 198. EXPENDITURES NOT TO EXCEED REVENUES.] It shall be the duty of the board in all its expenditures and contracts to have reference to the amount of money which shall be subject to its order during the current year for the particular expenditures in question and not to exceed that amount.

§ 199. TITLE TO PROPERTY OF DISTRICT.] The title of all property belonging to any such independent school district shall be vested in such district for the use of the schools, and the same while used and appropriated for school purposes shall not be levied upon or sold by virtue of any warrant or execution or other process, nor be subject to any judgment or mechanic's lien or taxation for any purpose whatever; and the district in its corporate capacity may take, hold and dispose of any real and personal property transferred to it by gift, grant, bequest or devise for the use of common schools for the district, whether the same is transferred in terms of such district by its proper name or to any person or body for the use of such schools.

§ 200. REAL PROPERTY. TITLE, HOW CONVEYED.] Whenever any property is purchased by the board a conveyance thereof shall be taken in the name of such district; and whenever any sale of such property is made by the board, a resolution in favor of such sale shall first be adopted and spread upon the records of the board, and the conveyance of such property shall be executed in the name of such district by the president of the board attested by the secretary under the seal thereof, and acknowledged by such officers. Such president and secretary shall have authority to execute conveyances as aforesaid with or without covenants of warranty on behalf of the district.

§ 201. REPORT OF CITY TREASURER.] It shall be the duty of the city treasurer at least fifteen days before the annual election for members of such board and as often as called upon by the board, to prepare and report to such board a true and correct statement of the receipts and disbursements of moneys under and pursuant to the provisions of this article, during the preceding year, which statement shall set forth under appropriate head:

1. The money raised by the board under section 189.
2. The school moneys received from the county treasurer.
3. The money received under section 194.
4. All moneys received by the city treasurer, subject to the order of the board, specifying the sources from which it accrued.
5. The manner in which all money has been expended, specifying the amount under each head of expenditures and the board shall at least one week before such election, cause such statement to be published in all the newspapers of the city which will publish the same gratuitously.

§ 202. NEW DISTRICT TO ASSUME DEBTS OF OLD.] School districts created under the provisions of this article shall assume all obligations and liabilities incurred by the districts out of which they are formed, if old districts are not divided, and a proportionate part if divided.

§ 203. FORFEIT FOR REFUSAL TO SERVE AS MEMBER OF BOARD.] It shall be the duty of the clerk of said school board immediately after the election of any person as a member thereof, personally or in writing, to notify him of his election, and if any person shall not within ten days after receiving such notice of election, take and subscribe the oath as herein provided and file the same with the city auditor, the board may consider it as a refusal to serve, and fill the vacancy thus occasioned, and the person so refusing shall forfeit and pay to the city treasurer for the benefit of the schools of such district a penalty of fifty dollars, which may be recovered in the name of such city by a civil action.

§ 204. CITY COUNCIL TO PASS CERTAIN ORDINANCES.] The city council shall have the power and it shall be its duty to pass such ordinances and regulations as the board of education may recommend as necessary for the protection, preservation, safe keep-

ing and care of the school houses, lots, sites, appurtenances, libraries, and all necessary property belonging to or connected with the schools of the city, and to provide proper penalties for the violation thereof, and all penalties shall be collected in the same manner that the penalties for violation of city ordinances are collected, and when collected shall be paid to the city treasurer and placed to the credit of the board of education, and shall be subject to its order as herein provided.

ARTICLE XI.—BOARD OF EDUCATION IN CERTAIN CITIES.

§ 205. BOARDS TO BE ELECTED AT LARGE.] In each city not organized under the general law there shall be a board of education consisting of seven members having the qualifications of electors who shall be elected at large by the electors of such city qualified to vote at school elections; and, except as may be otherwise provided herein for the first election, two members of such board shall be elected annually and three triennially at a special election to be held on the Tuesday after the first Monday in June; provided, that the provisions of this article shall not apply to cities existing under a special act or which are now under the general school laws.

§ 206. TERM OF OFFICE.] The term of office of a member of the board of education, except as in this article otherwise provided, shall be three years and until his successor is elected and qualified.

§ 207. ELECTIONS, HOW CONDUCTED.] All elections under the provisions of this article shall be called, conducted and the votes canvassed and returned in the manner provided by law for general city elections.

§ 208. RELATIVES NOT ELIGIBLE AS TEACHERS.] No son, wife or daughter of any member of the school board shall be eligible to a position as a teacher in schools of the district which such member represents except upon the consent of all the members of such board.

§ 209. INDEPENDENT SCHOOL ORGANIZATIONS UNDER SPECIAL LAWS ABOLISHED.] Any independent school district organized for school purposes under a special law, which does not include or is not included in any city or incorporated town or village organized for municipal purposes, shall become a part of the school district in which it is located by the repeal of the special law organizing or governing such independent district. Any independent district organized for school purposes under a special law or under any other law than is contained in this chapter, which includes or is included in any city or incorporated town or village organized for municipal purposes, shall become a special district by the repeal of the special law organizing or governing such independent school district. Any school district or special district so constituted or constituted in part shall be governed by the provisions of this chapter; provided, that nothing herein

shall prevent any such independent district from coming under the operation of this chapter in the manner therein provided.

§ 210. OLD SCHOOL OFFICERS HOLD OVER.] The board of education or other governing board of such independent district shall continue to exercise the powers and duties devolving upon it under the provisions of such special or other law governing such independent district, the same as though such law had not been repealed, until the second Tuesday in July following the repeal of such special or other law; provided, that all that portion of the general school laws which provides for an annual school election shall apply to such independent district and shall be in full force and effect for the purpose of electing school officers at such annual election; and such officers shall be elected in and for the whole school district, including the independent district or portion of such independent district located therein, or in and for the special district, the same as though no law had ever existed providing for the organization of such independent district; provided, further, that in a special district formed and created as herein provided, a full board of education shall be elected as provided by law for first elections, but in school districts formed as herein provided by the addition of such independent district or portion thereof there shall be elected only such officers as are required to fill the regular vacancies in the school offices of such school district heretofore organized.

§ 211. DEBTS AND ASSETS DETERMINED BY ARBITRATION.] When the boundaries of such school district shall have been arranged as contemplated in this article, the determination and division of consolidation of all debts, property and assets of the several portions of such district or districts so consolidated shall be made by arbitration as provided by law.

ARTICLE XII.—VACANCIES.

§ 212. VACANCY IN OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION FILLED BY APPOINTMENT.] Should a vacancy occur in the office of the superintendent of public instruction, the governor shall have power and it shall be his duty to fill such vacancy by appointment, which appointment shall be valid until the next general election and until his successor is elected and qualified.

§ 213. VACANCY IN OFFICE OF COUNTY SUPERINTENDENT.] Should a vacancy occur in the office of county superintendent of schools, the board of county commissioners of such county shall have power and it shall be their duty to fill such vacancy by appointment, as provided by law, which appointment shall be valid until the next general election. The county auditor shall immediately notify the superintendent of public instruction of such appointment.

§ 214. VACANCY IN OFFICE OF DIRECTOR OR TREASURER. HOW FILLED.] When any vacancy occurs in the office of director or treasurer of a school district by death, resignation, removal from

the district, or otherwise, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the district, and such superintendent shall immediately appoint in writing some competent person who shall qualify and serve until the next annual school election. The county superintendent shall at the same time notify the clerk of the school district and the county auditor of every such appointment.

§ 215. VACANCY IN OFFICE OF CLERK, HOW FILLED.] Should the office of clerk of a school district become vacant, the school board shall immediately fill such vacancy by appointment and the president of the board shall immediately notify the county superintendent and the county auditor of such appointment.

§ 216. OFFICE, WHEN DEEMED VACANT.] An office of a school district shall become vacant by resignation of the incumbent thereof, but such resignation shall not take effect until a successor has qualified according to law. Any office of a school district shall be deemed vacant if the person duly elected thereto shall neglect or refuse for the period of two weeks after the beginning of the term for which he was elected, to accept and qualify for such office and serve therein. Any school officer may be removed from office by a court of competent jurisdiction as provided by law.

ARTICLE XIII—EQUALIZATION OF INDEBTEDNESS

§ 217. EQUALIZATION OF INDEBTEDNESS BY ARBITRATION.] After the boundaries of a school district have been established as provided for in this chapter, all school districts or parts of school districts that existed as school corporations, or as parts thereof, before the taking effect of this code, and that are now included in one school district, shall effect an equalization of property, funds on hand and debts; or whenever the boundaries of two or more districts are re-arranged, all districts affected by such change shall effect an equalization of property, funds on hand and debts. To effect this, such school board of such corporation constituting a school district under the operation of this chapter, shall select one arbitrator, and the several arbitrators so selected, together with the county superintendent, shall constitute a board of arbitration to effect such equalization. If in any case the number of arbitrators, including the county superintendent, shall be an even number, the county treasurer shall be included and be a member of such board. The county superintendent shall fix the time and place of such meeting.

§ 218. TAX TO EQUALIZE AND PAY PREVIOUS DEBTS.] Such board shall take an account of the assets, funds on hand, the debts properly and justly belonging to or chargeable to each corporation, or part of a corporation affected by such change, and levy such a tax against each as will in its judgment justly and fairly equalize their several interests.

§ 219. MAXIMUM ANNUAL TAX LEVY FOR SUCH PURPOSES.]

When the amounts to be levied upon the several corporations, or parts of corporations mentioned in the preceding section, shall be fixed, a list thereof shall be made wherein the amount shall be set down opposite each corporation. The whole shall be stated substantially in the form herein required for certifying school taxes, and addressed to the county auditor, and shall be signed by a majority of such board of arbitration; such levy shall be deemed legal and valid upon the taxable property of each corporation; provided, however, that not more than fifteen mills thereof shall be extended against such taxable property in any one year, and such levy not exceeding fifteen mills on the dollar shall be extended as in this section provided from year to year, until the whole amount shall be so levied. The county auditor shall preserve such levies and shall extend the several rates from year to year, as above required by law for district taxes and the taxes shall be collected at the same time and in the same manner as other taxes are collected.

§ 220. PROCEEDS TO BE TURNED OVER TO THE RESPECTIVE DISTRICTS.] Opposite the several descriptions of property on the tax list shall be entered the school districts within which it lies, and all the proceeds of these equalizing taxes shall be collected and shall be paid over to the proper school district within which the property is situated. The proceeds of taxes upon parts of districts lying outside of the district as at present constituted with which they were equalized shall be paid to the treasurer of the school district within which the property is situated; the same as hereinbefore provided for regular taxes.

§ 221. MAXIMUM TAX LEVY FOR ALL SCHOOL PURPOSES.] The taxes levied for purposes of equalization shall be in addition to all other taxes for school purposes; provided, that all taxes for school purposes, including such taxes for equalization, shall not exceed thirty mills on the dollar in any one year. The provisions of this article shall apply to and govern all school districts and parts of school districts hereafter divided or consolidated with each other or with other districts in the divisions, uniting for apportionment of their debts and liabilities or property and assets.

ARTICLE XIV.—BONDS OF COMMON SCHOOL DISTRICTS.

§ 222. SCHOOL BONDS, HOW ISSUED.] Whenever a duly constituted school district, under the provisions of this chapter, excepting special or independent school districts, in any organized county in the state at any regular or special meeting held for that purpose, shall determine by a majority vote of all the qualified voters of such school district present at such meeting and voting, to issue school district bonds for the purpose of building and furnishing a school house and purchasing grounds on which to locate the same, or to fund any outstanding indebtedness or for the purpose of taking up any outstanding bonds,

the district school board may lawfully issue such bonds in accordance with the provisions of this article.

§ 223. NOTICE OF ELECTION TO VOTE BONDS.] Before the question of issuing bonds shall be submitted to a vote of the school district, notices shall be posted in at least three public and conspicuous places in such district, stating the time and place of such meeting, the amount of bonds proposed to be issued, rate of interest, purpose issued for, and the time in which they shall be made payable. Such notices shall be posted at least fourteen days before the meeting, and the voting shall be done by means of written or printed ballots, and all ballots shall be prepared before the opening of the polls and shall be in substantially the following form:

For issuing bonds in the sum of \$.....at.....per cent., to run.....years,

Yes
No

and if a majority of the votes cast shall be in favor of issuing bonds the school board, through its proper officers, shall forthwith issue bonds in accordance with such vote; but if a majority of all votes cast are against issuing bonds then no further action can be had and the question shall not be again submitted to a vote for one year thereafter, except for a different amount; provided, that the question of issuing bonds shall not be submitted to a vote of the district, and no meeting shall be called for that purpose until the district school board shall have been petitioned in writing by at least one-third of the voters of the district.

§ 224. BONDS, DENOMINATION OF, INTEREST, LIMIT OF ISSUE.] The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at a rate not exceeding five per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; provided, that the amount of bonds including all other indebtedness shall not exceed five per cent of the assessed valuation of the school district and may be made payable in not less than ten or more than twenty years from their date.

§ 225. BONDS, RECORD OF TO BE KEPT.] Whenever any bonds are issued under the provisions of this chapter they shall be lithographed or printed on bond paper and shall state upon their face the date of their issue, the amount of the bonds, to whom and for what purpose issued, also the time and place of payment, and the rate of interest to be paid. They shall have printed upon the margin the words "Authorized by Article 14 of chapter of the Session Laws of North Dakota of 1911." Immediately after the issuing of school bonds pursuant to this chap-

ter the clerk of the school district so issuing its bonds shall file, with the county auditor of the county in which such district is situated, certified copies of all the proceedings had in such district relative to the issuing of such bonds and also a statement of the amount of the indebtedness of such school district; and before any of the bonds are disposed of they shall be presented to the county auditor of the county in which the school district issuing the same is situated. He shall carefully examine the records of the proceedings of such school district upon the question of issuing such bonds as the same are filed with him as hereinbefore directed, and shall satisfy himself by the evidence thus furnished, whether or not all the laws of the state relative to the issuing of such bonds have been complied with. If satisfied that they have been and that the bonds in question have been legally issued, he shall in a book kept for such purpose, preserve a register of each bond showing in separate columns the name of the school district issuing the bonds, the number of such bonds, the denomination thereof, the date of their issue, the date when they will mature, the names of the school officers executing the same and such other facts as may be pertinent and he shall then indorse on each of such bonds the following certificate:

State of North Dakota,

County of

} ss:

I, County auditor, do hereby certify that the within bond is issued pursuant to law and is within the debt limit prescribed by the constitution of the state of North Dakota, and in accordance with the vote of school district at a (regular or special) meeting held on the day of A. D., 19..... to issue bonds to the amount of dollars, and is a legal and valid debt of such school district; that such bonds are fully registered in this office and that such school district is legally organized and the signatures affixed to such bonds are the genuine signatures of the proper officers of such school district.

The blanks shall be filled according to the facts, and the certificate officially signed by the county auditor and attested by his official seal. Such bonds shall be signed by the president and clerk of the school board and shall be registered in a book to be kept by the clerk for that purpose, in which shall be entered the number, date and name of the person to whom issued and the date when the same will become due.

§ 226. SINKING FUND AND INTEREST TAX.] In addition to the amount that may already be assessed under existing laws there shall be levied annually, upon the taxable property of the school district so issuing bonds at or before their issuance and collected as other taxes are collected, a sum sufficient to pay interest upon

such bonded indebtedness, and in like manner a further annual tax to create a sinking fund that will at the maturity of such bonds be sufficient to pay the principal thereof, and said sinking fund shall be used for no other purpose, except that whenever there are sufficient funds on hand, belonging to such sinking fund, the school board may in its discretion, purchase any of the outstanding bonds at their market value and pay for the same out of such sinking fund; provided, that the school district board may designate one or more national or state banks in its county for a depositary for such sinking fund; and in such case the school board shall advertise for at least two weeks in some newspaper printed in the county, for sealed proposals for the deposit of the sinking fund of such school district, reserving the right to reject any and all bids and satisfying itself of the responsibility of all banks proposing to act as depositaries. Before any bank shall be designated as such depositary, it shall present to the school board a sealed proposal stating in writing what rate of interest will be paid for the deposit of such sinking fund, and shall submit to the board for its approval, a bond payable to the school district conditioned for the safe keeping and repayment of any funds deposited in such bank, which bond shall be signed by not less than three freeholders of the county or by a surety company as surety, such bond to be in the sum required by the school board but in no case less than double the probable amount of funds to be deposited in such bank. The approval of such bond shall be indorsed thereon by the board and deposited with the county auditor, and any bank whose bond shall have been so approved shall thereupon be designated by the school board as a depositary for the sinking fund, and shall continue as such, until such time as the board shall readvertise for bids as aforesaid, and new depositaries are designated and qualified, or until such funds are needed for the payment or purchase of bonds as provided in this section. When the sinking fund of any school district is deposited by the district treasurer in the name of the school district in such depositary, such treasurer and his sureties shall be exempt from all liability thereon by reason of loss of any such funds from the failure, bankruptcy or any other act of any such bank, to the extent only of such funds in the hands of such bank or banks at the time of failure or bankruptcy. Such depositary shall furnish to the school district clerk prior to the fifth day of July of each year, a verified statement of the school district's account, with such depositary for the year ending June thirtieth, which statement shall show a credit to such deposit account of all sums of interest accruing on the sinking fund deposited.

§ 227. BONDS, HOW NEGOTIATED.] When any bonds shall be issued under the provisions of this article, the county treasurer shall have authority to negotiate and sell such bonds for not less than par, and the said district treasurer shall apply the pro-

ceeds arising from the sale of such bonds only for the purpose of building and furnishing a school house and purchasing grounds on which the said school house shall be located, or to fund any outstanding indebtedness, according to the express purpose for which such bonds were authorized by the voters, as provided in section 222 of this chapter.

§ 228. COUNTY AUDITOR MAY LEVY TAX TO PAY BONDS. WHEN.] When any school board neglects or refuses to levy a tax in accordance with law to meet outstanding bonds or the interest thereon, the county auditor shall have power to levy such tax and when collected to apply the proceeds to the payment of such coupons and bonds.

§ 229. CANCELLED BONDS, RECORD OF.] When the bonds of any school district shall have been paid by the school board they shall be cancelled by writing or printing in red ink the words "cancelled and paid" across each bond and coupon and the date of payment and amount paid shall be entered in the clerk's register against the proper number of the bonds and bonds so cancelled shall be filed in the office of the district clerk until all the outstanding bonds are paid, when they shall be destroyed in the presence of the full board.

§ 230. PROPOSALS FOR BUILDING SCHOOL HOUSES.] When any school house is built with funds provided for in the manner herein authorized, the school board shall advertise at least thirty days in some newspaper printed in the county or by posting notices for the same length of time in at least three of the most public and conspicuous places if no newspaper is published in the county for sealed proposals for building such school house in accordance with plans and specifications furnished by the school board, reserving the right to reject any and all bids, and if any of the proposals shall be reasonable and satisfactory such board shall award the contract to the lowest responsible bidder and shall require of such contractor a bond in double the amount of the contract, conditioned that he will properly account for all money and property of the school district that may come into his hands and that he will perform the conditions of his contract in a faithful manner and in accordance with its provisions; and in case all the proposals are rejected, such board shall advertise anew in the same manner as before until a reasonable bid shall be submitted.

§ 231. PROVISIONS OF THIS ARTICLE. HOW APPLICABLE.] The provisions of this article shall be applicable to and authorize the issuance of bonds by such school districts as have already built school houses and issued orders or warrants therefor, and any such school district may vote to bond the indebtedness incurred by reason of building and furnishing a school house and purchasing a site for the same and bonds may be issued in the same manner as hereinbefore provided for building and furnishing school houses.

ARTICLE XV.—COMPULSORY EDUCATION AND MEDICAL INSPECTION.

§ 232. SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of eight and fifteen shall send every such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian or other person having control of any deaf, blind, or feeble minded child or youth between the ages of seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake for the entire school year, unless excused by the superintendent or principal of such school, such blind child to the school for the blind at Bathgate for the entire school year, unless excused by the superintendent or principal of such school, and such feeble-minded child to the institution for the feeble-minded at Grafton; provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by the county superintendent of schools, subject to the appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the common schools are taught in such schools.
2. That such child is actually necessary to the support of the family.
3. That such child has already acquired the branches of learning taught in the public schools.
4. That such child is in such a physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

If no school is taught the requisite length of time within two and one half miles of the residence of such child by the nearest route, such attendance shall not be enforced, except in cases of consolidated schools where transportation may be arranged by the school board; provided, that in districts where children live beyond the two and one-half mile limit and school facilities are not otherwise provided, the district board shall provide transportation for such children to and from school. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, attendance shall be required of pupils residing within five miles of such school or schools; but this provision shall not

apply to deaf, blind or feeble-minded children in this state; provided, further, that this section shall not be construed to apply to parents, guardians or other persons having control of any child or children between the ages of eight and fifteen who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or children for certain religious duties.

§ 233. SCHOOLS **EQUALLY FREE AND ACCESSIBLE.**] The public schools provided for in this chapter shall be at all times equally free, open and accessible to all children over six and under twenty-one years of age residing in the district.

§ 234. **PENALTY.**] Any such parent, guardian or other person failing to comply with the requirements of the foregoing sections, shall upon conviction thereof be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five nor more than twenty dollars for the first offense and not less than ten dollars nor more than fifty dollars for the second and every subsequent offense, with costs in each case.

§ 235. **PROSECUTION FOR NEGLECTING THIS DUTY.**] It shall be the duty of the superintendent or principal of schools in any city, town or village, or the teacher of any district school, or the county superintendent of schools for children that are deaf, blind or feeble-minded, to inquire into all cases of negligence of the duty prescribed in this article and to ascertain from the person neglecting to perform such duty the reason therefor, if any, and in common school districts notify the county superintendent of schools of such neglect; the said county superintendent, upon proper presentation of facts, shall lay the complaint before the state's attorney, whose duty it will be to proceed forthwith to secure the prosecution for any offense occurring under this article. In special or independent districts the superintendent or principal of schools shall lay the complaint before the state's attorney who shall proceed as above; provided, further, that the board of education or district school board in any city or school district of over five hundred inhabitants may employ a truant officer who shall perform the duties implied in this section.

§ 236. **MEDICAL INSPECTION OF SCHOOLS.**] The board of any school corporation may employ one or more physicians as medical inspector of schools. It shall be the duty of the medical inspector to examine, at least once annually, all children enrolled in the public schools of the district, except those who present a certificate of health from a licensed physician, and to make out suitable records for each child, one copy of which shall be filed with the county or city superintendent of schools. Notice of physical defects of abnormal or diseased children shall be sent to the parents, with recommendations for the parent's guidance in conserving the child's health. The medical inspector shall co-operate with state, county and township boards of

health in dealing with contagious and infectious diseases and to secure medical treatment for indigent children. It shall be the duty of the county and city superintendents of schools to co-operate with school boards in promoting medical inspection. He may arrange schools by groups, especially in the rural districts, for the purposes of inspection, and shall advise school boards with a view to securing the most efficient and economical administration of this law. The school board or board of education shall furnish all blanks and other needed supplies for this purpose.

ARTICLE XVI.—FINES, FORFEITURES AND PENALTIES.

§ 237. PENALTY FOR NEGLECT OF DUTY BY SCHOOL DIRECTOR, TREASURER OR CLERK.] Each person duly elected to any school district office, who, having entered upon the duties of his office, shall neglect or refuse to perform any duties required of him by the provisions of this chapter, shall upon conviction be fined in the sum of ten dollars and his office shall be deemed vacant.

§ 238. PENALTY FOR FALSE ELECTION RETURNS.] Any judge or clerk of election, school district clerk or county auditor who wilfully violates the provisions of this chapter in relation to elections or who wilfully makes a false return shall upon conviction be deemed guilty of a felony.

§ 239. SPECULATION IN OFFICE PROHIBITED.] No school officer shall personally engage in the purchase of any school bonds or warrants nor shall any such officer be personally interested in any contract requiring the expenditure of school funds except for the purchase of fuel and the procuring of insurance and such supplies as are in daily use, but not including furniture, or the expenditure of funds appropriated by the state, county, school corporation or otherwise, for any special purpose connected with his office. Any violation of this section shall be a misdemeanor.

§ 239A. PENALTY FOR UNLAWFUL DRAWINGS OF SCHOOL MONEY.] Any person who draws money from the county treasury, who is not at the time a duly qualified treasurer of the school corporation for which he draws the money and authorized to act as such, shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars.

§ 239B. USE OF SCHOOL FUNDS. WHEN EMBEZZLEMENT.] Each treasurer who shall loan any portion of the money in his hands belonging to any school district, whether for consideration or not, or who shall expend any portion thereof for his own or any other person's private use, is guilty of embezzlement, and no such treasurer shall pay over or deliver the school money in his hands to any officer or person or to any committee to be expended by him or them; but all public funds shall be paid out only by the proper treasurer as hereinbefore provided.

§ 239C. ACTION TO RECOVER MONEY WHEN TREASURER FAILS TO PAY OVER.] If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school district to his successor in office his successor must, without delay, bring action upon the official bond of such treasurer for the recovery of such money.

§ 239D. PENALTY. WHEN INDORSEMENT OF UNPAID WARRANTS IS NOT MADE.] Any violation by a district treasurer of the provisions of this chapter requiring indorsement of warrants not paid for want of funds, and the payment thereof in the order of presentation and indorsement is a misdemeanor punishable by a fine not exceeding one hundred dollars.

§ 240. PENALTY FOR FALSE REPORTS.] Each school officer who wilfully signs or transmits a false report to the county superintendent or wilfully signs, issues or publishes a false statement of facts purporting or appearing to be based upon the books, accounts or records, or of the affairs, resources and credit of the district shall upon conviction be punished by a fine not exceeding fifty dollars or by imprisonment in the county jail not exceeding fifteen days.

§ 241. PENALTY FOR WILFUL DISTURBANCE OF SCHOOL.] Each person whether pupil or not, who wilfully molests or disturbs a public school when in session or who wilfully interferes with or interrupts the proper order of management of a public school by act of violence, boisterous conduct or threatening language, so as to prevent the teacher or any pupil from performing his duty, or who shall in the presence of the school children upbraid, insult or threaten the teacher, shall upon conviction thereof be punished by a fine not exceeding twenty-five dollars or by imprisonment in the county jail for a period not exceeding ten days, or by both.

§ 242. PROPOSALS FOR CONTRACTS.] No contract except for teacher's salary, professional services, janitors' wages, or school text books involving the expenditure of school funds or money appropriated for any purpose relating to the educational system of this state, or any county, district or school corporation therein, when the amount exceeds one hundred dollars, shall be let until proposals are advertised for a period of ten days, and after such advertisement, only to the lowest responsible bidder. Any violations of this section shall be a misdemeanor.

ARTICLE XVII.—STATE BOARD OF EXAMINERS. EXAMINATIONS AND CERTIFICATES.

§ 243. BOARD OF EXAMINERS.] A state board of examiners is hereby created consisting of the state superintendent of public instruction, who shall be secretary thereof, and four other persons actively engaged in educational work in this state who shall be appointed by the governor each for a term of four years, provided that the term of the first board shall be: two members for a period of four years and two members for a period of two years,

the length of the term of the appointive members to be designated by the governor in making the appointments.

§ 244. ORGANIZATION.] Within fifteen days of the date of their appointment the members shall meet at the state capitol and organize. The board shall annually elect one of its members president. Three of said members shall constitute a quorum. The board shall meet annually on the first Monday in July and at such other times as may be deemed necessary for the proper transaction of business, upon the call of the president or secretary.

§ 245. COMPENSATION.] Each appointive member of the board shall receive as full compensation for his services the sum of five dollars per day for each day necessarily and actually employed in the discharge of his duties and in addition thereto his actual and necessary traveling expenses.

§ 246. ANNUAL REPORT.] The board shall, on or before the first day of November of each year, make a report to the governor covering the school year ending June 30th, preceding, setting forth in detail all its official transactions.

§ 247. DUTIES.] The state board of examiners shall prepare or cause to be prepared all questions for examinations for all certificates to teach in this state, and shall prescribe the rules and regulations governing the same, shall examine, mark and file all answer papers for all certificates or cause the same to be done, and shall issue all certificates to teach in the public schools of this state.

§ 248. CERTIFICATES.] There shall be four regular grades of certificates issued by the board of examiners. These shall be issued only to persons of good moral character who fulfill all the requirements specified by law and by the rules and regulations of the board, viz:

- (1) The second grade elementary certificate.
- (2) The first grade elementary certificate.
- (3) The second grade professional certificate.
- (4) The first grade professional certificate.

§ 249. SECOND GRADE ELEMENTARY CERTIFICATE.] The second grade elementary certificate shall be granted to those persons over eighteen years of age who are found proficient in the following subjects: reading, arithmetic, language and grammar, geography, United States history, physiology and hygiene (including physical culture), civil government, pedagogy, and any one of the following named subjects: music, drawing, agriculture, nature study, domestic science, manual training; provided, that the board of examiners may in their discretion specify which of the above subjects may be required. The proficiency of the applicants in spelling and writing will be determined from the papers submitted by the applicants. The second grade elementary certificate shall be valid for two years in any county in the state when recorded by the county superintendent of

schools. It shall qualify the holder to teach in any grade in rural and graded schools up to and including the eighth grade, and may be renewable by the county superintendent of schools under rules prescribed by the board of examiners.

§ 250. FIRST GRADE ELEMENTARY CERTIFICATE.] The first grade elementary certificates shall be granted to those persons over twenty years of age who have had at least eight months experience in teaching and who, in addition to those subjects required for a second grade elementary certificate, are found proficient in elements of psychology and four of the following subjects of secondary grade: elementary algebra, plane geometry, physics, physical geography, botany, the elements of agriculture, nature study, manual training, domestic science and American literature. The first grade elementary certificate shall be valid for three years in any county in the state when recorded by the county superintendent of schools. It shall qualify the holder to teach in any grade in any school in the state up to and including the eighth grade and in the ninth grade of schools doing not over one year of high-school work, and may be renewable by the county superintendent of schools under rules prescribed by the board of examiners.

§ 251. SECOND GRADE PROFESSIONAL CERTIFICATE.] The second grade professional certificate shall be granted to those persons who are at least twenty years of age and who have had at least nine months experience in teaching and have the qualifications necessary for a first grade elementary certificate, and who in addition are found proficient in the following subjects of advanced grade: (1) psychology, (2) the history of education, (3) the principles of education, (4) school administration, (5) methods in elementary subjects, (6) rhetoric and composition, (7) American or English literature, (8) Ancient, English or American history, (9) some one natural science (which may include agriculture), (10) higher algebra, solid geometry, manual training or domestic science. The second grade professional certificate shall legally qualify the holder to teach in any of the common, graded or high schools of the state, except in the high school departments of schools doing four years of high school work. It shall be valid for a period of five years and shall be renewable in the discretion of the board for a period of years or for life.

§ 252. FIRST GRADE PROFESSIONAL CERTIFICATE.] The first grade professional certificate shall be granted to those persons who have substantially the equivalent of a college education, and who have had at least eighteen months' experience in teaching. They shall have all the qualifications necessary for a second grade professional certificate, and in addition thereto, be found proficient in the following subjects: (1) foreign language, (2) a natural science other than the one presented for the second grade professional certificate, (3) ethics, logic or sociology, (4)

political science, economics or domestic science, (5) any two subjects of college grade listed for the second grade professional certificate and not previously offered by the applicant. The first grade professional certificate shall qualify the holder to teach in all the common, graded and high schools of the state, and shall be valid for five years, or for life.

§ 253. SPECIAL CERTIFICATES.] The board may grant special certificates authorizing the holders to teach in any of the common graded or high schools, (1) drawing, (2) music, (3) kindergarten, or (4) primary subjects, to teachers holding at least a second grade elementary certificate. Special certificates to teach (1) agriculture, (2) commercial subjects, (3) domestic science, or (4) manual and industrial training in the common, graded or high schools of the state, may be issued to applicants who possess qualifications equivalent to those required for a second grade professional certificate. The applicant for a special certificate must satisfy the board by examination or otherwise of his proficiency in the subject which the holder is authorized to teach. Special certificates shall be valid for such a term of years as the board shall prescribe.

§ 254. DIPLOMAS ACCREDITED.] The diplomas granted on the completion of the four-year curriculum of Teachers College of the University of North Dakota, shall be accredited as a first grade professional certificate for two years, and after the holder has had nine months successful experience in teaching, satisfactory evidence of which having been filed with the board, such diploma shall entitle the owner to a first grade professional certificate for life.

(2) The diploma from the advanced, or five year curriculum of the state normal schools, or its equivalent, the two-year curriculum for high school graduates, shall be accredited as a second grade professional certificate for two years, and after the holder has had nine months successful experience in teaching satisfactory evidence of which having been filed with the board, such diploma shall entitle the holder to a second grade professional certificate valid for life.

(3) The diploma from the four-year curriculum of the state normal schools or its equivalent, the one-year curriculum for high school graduates shall be accredited as a professional certificate of the second grade for two years, and, after the holder has had nine months successful experience in teaching, satisfactory evidence of which having been filed with the board, shall entitle the holder to a second grade professional certificate, valid for five years, which certificate shall be renewable in the discretion of the board.

(4) The certificate of completion issued by the state normal schools to those who complete the ten-and-one-half months' curriculum of the state normal schools shall entitle the holder to a second grade elementary certificate.

§ 255. OTHER DIPLOMAS ACCREDITED.] Diplomas from institutions within or without the state shall be accredited, and professional certificates issued thereon upon the following basis: (a) the bachelor's diploma from a college of recognized standing shall be valid for a period of two years, after its presentation to the board, as a first grade professional certificate, provided, that the diploma implies at least two year courses, or sixteen semester hours, of professional preparation for teaching, or in lieu of such professional study, that the holder of the diploma has had three years successful experience in teaching or in administering schools after receiving such diploma; and after the holder has had nine months of successful experience in teaching, after the presentation of such diploma, satisfactory evidence of such experience having been filed with the board, he shall be entitled to a first grade professional certificate which shall be valid for five years and which shall be renewed for life upon satisfactory evidence of successful experience for five years.

(b) The diploma or certificate from institutions whose curriculum is the equivalent of the four year or the five year curriculum of the state normal schools shall be valid for two years as a second grade professional certificate, provided, that the diploma or certificate implies at least two year courses, or sixteen semester hours, of professional preparation for teaching or, in lieu of such professional study, that the holder of the diploma has had three years of successful experience in teaching or in administering schools after receiving such diploma; and after the holder of such diploma has had nine months of successful experience, in teaching after receiving such diploma, satisfactory evidence of such experience having been filed with the board, he shall be entitled to a second grade professional certificate valid for five years or for life respectively.

§ 256. PERMITS.] A college graduate without experience or the required professional preparation may, for reasons satisfactory to the board, be granted a permit, or probationary certificate, valid until such time, not to exceed six months, as shall be set by the board for his examination on the professional subjects, when, if successful he may be granted a certificate, valid for a term of years or for life. Permits to teach till the next regular examination may be granted by the county superintendent of schools to any person applying at any time other than the regular examination, who can show satisfactory reasons for not attending the previous examination and satisfactory evidence of qualification, subject to the rules and regulations of the board.

§ 257. ACCREDITED WORK.] The board of examiners shall be authorized to accredit, under its rules and regulations, the specific marks or standings given in high schools, summer schools, normal schools and the other institutions of this state, when

upon investigation it deems such standings good evidence of proficiency in the subjects specified.

§ 258. HIGH SCHOOL DIPLOMAS.] Diplomas from high schools during four years work granted to graduates who have had psychology, pedagogy, and two senior-review subjects shall be accredited as second grade elementary certificates; and if within two years from the date of the diploma the holder has had at least eight months' successful experience in teaching, he shall be entitled to a first grade elementary certificate.

§ 259. EXAMINATION CONDUCTED BY COUNTY SUPERINTENDENT.] Under the direction of the state board of examiners, the county superintendent shall hold a public examination of all persons over eighteen years of age offering themselves as applicants for teachers' certificates, at the most suitable place or places in the county on the second Thursday and Friday in February, May August, and November of each year, and when necessary such examination may be continued on the following day. He shall examine them by a series of written or printed questions, according to the rules prescribed by the state board of examiners. The county superintendent shall forward all answer papers submitted by applicants immediately after the close of the examination to the state board of examiners, for examination, marking, filing and recording. The state board of examiners by its president and secretary shall grant to each applicant a certificate of qualification, if from the percentage of correct answers required by the rules, said applicant is found to possess the requisite knowledge and understanding to teach, in the common schools of the state, the various branches required by law; provided, that sufficient evidence is furnished that the candidate is a person of good moral character, has had successful experience, if any, and possesses an aptness to teach and govern.

§ 260. PAPERS TO BE KEPT ON FILE. APPEALS.] The written answers of applicants for elementary certificates, after being duly examined under the direction of the state board of examiners, shall be kept on file in the office of the secretary of the board of examiners for a period of six months after such examination, and any applicant thinking an injustice has been done him, may, by paying a fee of one dollar in the institute fund of the county and notifying both the county superintendent and the secretary of the board of examiners of the same, have his papers specially re-examined by the board, and, if such answer papers warrant it, the state board of examiners shall issue such applicant an elementary certificate of the proper grade.

§ 261. QUALIFICATIONS OF TEACHERS.] No certificate or permit to teach shall be issued to any person under eighteen years of age, and no first grade elementary certificate to any person who is under twenty years of age, and who has not taught successfully eight months school. First and second grade elementary certificates may be renewed without examination, under such require-

ments as shall be imposed by the state board of examiners. The certificates issued by the state board of examiners shall be valid in any county in this state when recorded by the county superintendent of schools.

§ 262. **TEACHER MUST HOLD CERTIFICATE, TO BE RECORDED.**] No person shall be employed or permitted to teach in any of the public schools of the state, except those in cities organized for school purposes under special laws, or organized as independent districts under the general school laws, who is not the holder of a lawful certificate of qualification or a permit to teach, and no teacher's certificate, issued by the state board of examiners nor a teacher's diploma granted by any institution of learning in this state shall entitle a person to teach in such public schools of any county, unless such certificate or diploma shall have been recorded in the office of the county superintendent of the county in which the holder is engaged to teach, and it shall be the duty of the county superintendent to record such certificate or diploma.

§ 263. **CERTIFICATES, WHEN REVOCABLE.**] The state board of examiners is authorized and required to revoke and annul at any time a certificate granted in this state, for any cause which would have authorized or required it to refuse to grant the same, if known at the time it was granted, and for incompetency, immorality, intemperance, cruelty, crime against the laws of the state, breach of contract, refusal to perform his duty, or for the general neglect of the work of the school. The revocation of the certificate shall terminate the employment of such teacher in the school where he may be at the time employed. Such teacher must be paid up to the time of receiving notice of such revocation. The state board of examiners shall immediately cause notice to be sent to the clerk of the school district where such teacher is employed and notify the teacher through the clerk, of such revocation; and it shall also notify each county superintendent in the state, and shall enter its action in such case on its records.

§ 264. **PROCEEDINGS TO REVOKE. TEACHER ALLOWED DEFENSE.**] In proceedings to revoke a certificate the board of examiners may act upon personal knowledge or upon competent evidence obtained from others. In the latter case action shall be taken only after a fair hearing, and the teacher must be notified of the charge and given an opportunity to make a defense at such time and place as may be stated in such notice. Upon their own knowledge the board may act immediately without notice, after an opportunity has been afforded such teacher for personal explanation. When any certificate is revoked the teacher shall return it to the secretary of the state board of examiners, but if such teacher refuses or neglects so to do the board may issue notice of such revocation by publication in some newspaper printed in the county where the accused was last employed.

§ 265. **FEES FOR CERTIFICATES.**] The state board of examiners shall require a fee of five dollars from each applicant for a first

grade professional certificate, and a fee of three dollars from each applicant for a second grade professional certificate or for a special certificate. The same fee shall be charged for a renewal of a professional or special certificate as is charged for its issuance. The county superintendent shall collect a fee of two dollars from each applicant for an elementary certificate, and a fee of one dollar for each renewal of an elementary certificate. A deposit of the fee required for any certificate sought must be made when a permit is issued, which deposit shall be forfeited in case the applicant fails to take the following examination.

§ 266. **DISPOSITION OF FEES.]** One dollar of each fee collected by the county superintendent from the applicants for elementary certificates, and all fees received for the renewal of elementary certificates shall be paid into the county teachers' institute fund to be used in support of teachers' institutes or teachers' training schools for the county as provided by law, and one dollar of each fee from applicants for elementary certificates shall be forwarded to the state board of examiners who shall deposit all fees received by them in the state treasury as a fund from which to pay the clerical help, per diem and all other expenses incurred by the board in the discharge of their duties, and to aid in the establishment and maintainance of teachers' reading circles and in the professionalizing of teaching in such other ways as the board may deem advisable.

ARTICLE XVIII.—DUTIES OF TEACHERS.

§ 266½. **DUTIES AND POWERS OF CITY AND VILLAGE SUPERINTENDENTS.]** The superintendents of schools in all districts employing such officer, shall, subject to the final authority of the board, supervise the administration of the course of study, visit schools, examine classes, and have general supervision of the professional work of the school, including the holding of teachers' meetings and the classification of teachers. The superintendent, from time to time, shall make reports to the board of education embodying recommendations relative to the employment of teachers and janitors, adoption of text books, changes in the course of study, enforcement of discipline, and general school matters; and shall also make such other reports and perform such other duties as the board of education may direct and delegate.

§ 267. **GIVE NOTICE OF OPENING AND CLOSING SCHOOL.]** Each teacher on beginning a term of school shall give written notice to the county superintendent of the time and place of opening such school and the time when it will probably close, and prior to receiving salary for the first month each teacher must exhibit his certificate or permit to teach to the clerk of the district school board. If such school is to be suspended for one week or more in such term the teacher shall notify the county superintendent of such suspension.

§ 268. **WHEN TEACHER NOT ENTITLED TO COMPENSATION.]** No

teacher shall be entitled to or receive any compensation for the time he teaches in any public school without a certificate or permit to teach, valid and in force for such time in the county where such school is taught, except that if a teacher's certificate shall expire by its own limitation within six weeks of the close of the term, such teacher may finish such term without re-examination or renewal of such certificate.

§ 269. TEACHER'S REGISTER, WHAT TO CONTAIN.] Each teacher shall keep a school register and at the close of each term make a report containing the number of visits of the county superintendent and such items and in such form as shall be required. Such report shall be made in duplicate, both copies of which shall be sent to the county superintendent who, if he finds such report to be correct, shall immediately return one copy to the district clerk to be filed with him. No teacher shall be paid the last month's salary in any term until such report shall have been approved by the county superintendent and one copy returned to the district clerk.

§ 270. SCHOOL YEAR AND SCHOOL WEEK DEFINED. HOLIDAYS.] The school year shall begin on the first day of July and close on the thirtieth day of June of each year. A school week shall consist of five days and a school month of twenty days. No school shall be taught on a legal holiday or on Saturday, provided, however, that on February the twelfth (Lincoln's birthday), February twenty-second (Washington's birthday) and May the thirtieth (Memorial day) all schools in session shall assemble for a portion of the day and devote the same to patriotic exercises consistent with the day, unless such holiday shall fall upon Saturday or Sunday. A legal holiday in term time falling upon a day which otherwise would be a school day shall be counted and the teacher paid therefor, but no teacher shall be paid for Saturday or be permitted to teach on Saturday to make up for the loss of a day in the term.

§ 271. BRANCHES TO BE TAUGHT IN ALL SCHOOLS.] Each teacher in the common schools shall teach pupils as they are sufficiently advanced to pursue the same, the following branches: Orthography, reading, writing, arithmetic, language lessons, English grammar, geography, and lessons in nature study and elements of agriculture, United States History, civil government, physiology and hygiene, giving special and thorough instruction concerning the nature of alcoholic drinks and narcotics, and their effect upon the human system. There shall also be taught in every school in connection with physiology and hygiene simple lessons in the nature treatment and prevention of tuberculosis and other contagious and infectious diseases. All pupils in the above mentioned schools below the high school and above the third year of school work computing from the beginning of the lowest primary year, shall receive instructions in hygiene every year from text books adapted to grade in the hands of pupils for not

less than four lessons per week for ten weeks of each school year. In all schools above mentioned, all pupils in the (three) lowest three primary school years, shall each be instructed orally in hygiene for not less than three lessons per week for ten weeks of each school year by teachers using text books adapted to grade for such instruction as a guide or standard. Each teacher in schools in special districts and in the cities organized for school purposes under special law shall conform to and be governed by the provisions of this section.

§ 272. TEACHING HUMANE TREATMENT OF ANIMALS.] There shall be given in the public schools of North Dakota, in addition to other branches of study now prescribed, instruction in the humane treatment of animals; such instruction shall be oral and shall consist of not less than two lessons of ten minutes each per week.

§ 273. TEACHERS' INSTITUTE AND TEACHERS' TRAINING SCHOOLS. NOTICE. PENALTY FOR FAILURE TO ATTEND.] When a teachers' institute or teachers' training school is appointed to be held in or for any county it shall be the duty of the county superintendent to give written or printed notice thereof to each teacher in the public schools of the county, and as far as possible to call others not then engaged in teaching, who are holders of teachers' certificates, at least ten days before the opening of such institute or teachers' training school of the time and place of holding it. Each teacher receiving such notice, engaged in teaching a term of school which includes wholly or in part the time of holding such institute or teachers' training school, shall close school and attend the same and shall be paid by the school board of the district his regular salary as teacher for the time he attended such institute or teachers' training school, as certified by the county superintendent, but no teacher shall receive pay unless he has attended four days nor shall any teacher receive pay for more than five days. The county superintendent may revoke the certificate of any teacher in his county for inexcusable neglect or refusal after due notice, to attend a teachers' institute or teachers' training school held for such county. The provisions of this section shall not apply to high school teachers, nor to teachers in cities organized for school purposes under a special law, nor to teachers in cities organized as independent districts under the provisions of this chapter.

§ 274. PUPIL MAY BE SUSPENDED FOR CAUSE.] A teacher may suspend from school for not more than five days any pupil for insubordination, habitual disobedience, or disorderly conduct. In such case the teacher shall give immediate notice to the parent or guardian of such pupil, and also to some member of the district school board of such suspension and the reason therefor.

§ 275. ASSIGNMENT OF STUDIES TO PUPILS.] It shall be the duty of the teacher to assign to each pupil such studies as he is qualified to pursue, and to place him in the proper class in

any studies subject to the provisions of section 271, provided, that in graded school under the charge of a principal or local superintendent, such principal or superintendent shall perform this duty. In case any parent or guardian in a common school district is dissatisfied with such assignment or classification, the matter shall be referred to and decided by the county superintendent.

§ 276. BIBLE NOT SECTARIAN BOOK, READING OPTIONAL WITH PUPILS.] The Bible shall not be deemed a sectarian book. It shall not be excluded from any public school. It may at the option of the teacher be read in school without sectarian comment, not to exceed ten minutes daily. No pupil shall be required to read it or to be present in the school room during the reading thereof, contrary to the wishes of his parents or guardians or other person having him in charge.

§ 277. MORAL INSTRUCTION.] Moral instruction tending to impress upon the minds of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, international peace, respect for honest labor, obedience to parents and due deference for old age, shall be given by each teacher in the public schools.

§ 278. PHYSICAL EDUCATION.] Physical education, which shall aim to develop and discipline the body and promote health through systematic exercise, shall be included in the branches of study required by law to be taught in the common schools, and shall be introduced and taught as a regular branch to all pupils in all departments of the public schools of the state, and in all educational institutions supported wholly or in part by money from the state. It shall be the duty of all boards of education and boards of educational institutions receiving money from the state, to make provision for daily instruction in all the schools and institutions under their respective jurisdiction, and to adopt such method or methods as will adapt progressive physical exercise to the development, health and discipline of the pupils in the various grades and classes of schools and institutions receiving aid from the state.

ARTICLE XIX.—INSTITUTES AND ASSOCIATIONS.

§ 279. TEACHERS' COUNTY INSTITUTE FUND.] All money received by the county superintendent from examination fees for the county institute fund, and all money paid into this fund from the county general revenue fund, shall be used by him to aid in the support of teachers' institutes or teachers' training schools, district teachers' meetings and annual school officers' meetings, to be held within or for the county and to pay necessary expenses incurred therein. The county superintendent shall present an itemized statement, duly verified, to the county auditor for the amount of all such necessary expenses and the auditor shall issue a warrant therefor as provided by law. The county superintendent shall, at the end of each year, submit a full and accurate

statement of the receipts and expenditures of these funds, under oath, to the superintendent of public instruction.

§ 280. APPROPRIATION FOR INSTITUTE FUND. DESIGNATION OF CONDUCTORS.] There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of one hundred dollars each year to each organized county in the state which shall be designated as the state institute fund, and which shall be used exclusively in employing persons of learning, ability and experience as conductors, assistants and lecturers, of teachers' institutes. The superintendent of public instruction after consultation with the county superintendent as to the special needs and wants of their respective counties, shall appoint the time, place and duration of these institutes, and training schools, and shall designate the persons to act as conductors, assistants and lecturers of the same, as in his judgment the needs of the various counties demand.

§ 281. INSTITUTE FUND, HOW PAID OUT.] It shall be the duty of the county superintendent of schools in all cases to consult with the state superintendent of public instruction in reference to the management of such institute or teachers' training school, and he shall carry out the suggestions of such state superintendent as to the modes of instruction. No salary shall be paid to any conductor or instructor not previously appointed or employed as herein provided. The money hereby appropriated from the state treasury for the support of teachers' institutes or teachers' training schools shall be paid to the persons to whom it is due by warrant of the state auditor upon the state treasurer, which shall be issued upon the presentation of an account in due form, verified by the person to whom due, and approved by the state superintendent of public instruction; provided, that all the state and county institute funds provided by law, of one or more counties may be applied to the support of a teachers' training school for such county or counties at the request of the county superintendent of such county or counties with the consent and under the direction of the state superintendent of public instruction.

§ 282. CONDUCTOR AND COUNTY SUPERINTENDENT MUST FILE STATEMENT OF NUMBER OF SCHOOLS.] Where a teachers' training school of not less than three weeks duration is held within or for any county, the conductor of such training school and the county superintendent shall file a certified statement with the county auditor, specifying the time and place of such teachers' training school and the county superintendent shall certify to the total number of schools and separate departments in graded and high schools in said county in which school has been taught at least four months during the preceding school year. The county auditor shall file a copy of said statement with the county treasurer who shall thereupon transfer from the county general revenue fund to the county institute fund the sum of two dollars

for each school or separate department in high and graded schools in the county, as per specified statement filed with the county auditor.

§ 283. EXPENSES OF CONDUCTOR, ASSISTANTS AND LECTURER, HOW PAID.] The traveling and other necessary expenses of institute conductors, assistants and lecturers, in counties where a one weeks' institute is held, shall be paid from the institute fund of the county. Upon the filing of an itemized statement, with the county auditor of the necessary expenses incurred in connection with his work as institute conductor, assistant or lecturer, as the case may be, duly verified, and approved by the county superintendent of schools, the county auditor shall draw a warrant on the county treasurer for the amount due which shall be paid from the institute fund of the county.

§ 284. READING CIRCLE BOARD.] The state board of examiners shall be the state reading circle board and as such shall prescribe the course of reading for the teachers' reading circle of the counties of the state and shall make all rules and regulations for conducting the reading circle work and granting of credit therefor.

ARTICLE XX.—FREE TEXT BOOKS.

§ 285. POWER OF BOARD OF EDUCATION.] The school board or board of education of each and every school district in the state of North Dakota is hereby authorized and empowered to select, adopt and contract for all books and supplies needful for the school or schools under its charge, and the said school board or board of education shall have power to purchase the text books and supplies selected or contracted for, and provide for the loan free of charge or sale at cost of such text books and supplies to the pupils in attendance at such school or schools; provided, that no adoption or contract shall be for a period to exceed three years; provided, further, that before any publisher or publishers shall enter or attempt to enter into any contract with any school board or board of education for the sale of text books, as hereinbefore provided, they shall file with the superintendent of public instruction of the state of North Dakota a list of their books and the lowest prices at or for which they will sell any or all of such books to any school board or board of education in the state of North Dakota, and they, the said publishers, shall deposit with the superintendent of public instruction a sample copy of each book so listed, which shall represent in style, binding, mechanical execution, general make-up and matter, the book or books they offer to sell to the school board or board of education at or for the prices listed and in no case shall prices be raised above said listed price as filed. It shall be the duty of the superintendent of public instruction to furnish a certified copy of the list of books and prices filed in accordance with the provisions of this section to the district clerk

of each school district in the state of North Dakota, through the office of the county superintendent.

§ 286. FREE TEXT BOOKS PROVIDED. WHEN.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district or to provide for the children therein better school privileges, or whenever petitioned so to do by two-thirds of the voters of the district, the board shall provide free text books and supplies for all schools under its charge, in such manner as hereinbefore provided. All books purchased in accordance with the provisions of this article shall be paid for out of the school funds of the respective districts, and it shall be the duty of school boards and boards of education to see that sufficient funds are raised and set aside for the purpose of this article. The clerk of each district shall also keep a record of all books furnished the schools in the district.

ARTICLE XXI.—SPECIAL PROVISIONS.

§ 287. UNITED STATES FLAG TO BE DISPLAYED.] The school board or board of education of any city, town, or district, is authorized and required to purchase at the expense of the city, town or district, one or more flags of the United States, which shall be displayed in seasonable weather, upon the school houses or flag-staff upon the school grounds during the school hours of each day's session of school.

§ 288. SUPERINTENDENTS, PRINCIPALS, TEACHERS ATTENDING THE NORTH DAKOTA EDUCATIONAL ASSOCIATION.] The board of education in special or independent districts, or the school district board in any common school district is hereby authorized to allow the superintendent, principal or teachers of the schools under its charge, to attend, without loss of salary, any meeting of the North Dakota or other educational association which may be held within this state while the schools of such district are in session.

§ 289. FREE KINDERGARTENS MAY BE ESTABLISHED, COST, HOW PAID, GOVERNMENT. DUTY OF SUPERINTENDENT OF PUBLIC INSTRUCTION.] The school board of any school district in the state, upon a petition signed by a majority of the legal voters in the district, shall have the power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between four and six years of age, residing in said district, and shall establish such course of training, study and discipline and such other rules and regulations governing such preparatory or kindergarten schools as said board may deem best; provided, that nothing in this act shall be construed to change the law relating to the taking of the census of the school population or of the apportionment of the state or county school funds among the several counties and districts in the state; provided, further, that the cost of establishing and maintaining such kindergartens may be paid from the school

funds of said districts raised by direct taxation for such purpose, and the said kindergartens shall be a part of the public school system, and governed as far as practicable, in the same manner and by the same officers as are provided by law for the government of the other public schools of the state; provided, further, that no person shall be employed as a teacher in such kindergarten schools who has not passed a satisfactory examination in such subjects as the state examining board shall require. The state examining board shall adopt rules governing the examination of kindergarten teachers, and shall furnish county superintendents with examination questions and the examination shall be held in the manner provided by law for the examination of teachers in the public schools; provided, further, that any person who shall complete the course of training for kindergarten teachers at the state normal schools shall be entitled to teach in the kindergarten schools of this state without examinations.

§ 290. **HEALTH AND DECENCY.**] It shall be the duty of all boards of education and school boards in this state to provide suitable and convenient water closets or privies for each of the schools under their charge, at least two in number which shall be entirely separate, each from the other, and having separate means of access; and it shall be the duty of the school officers aforesaid to keep the same in a clean, chaste and wholesome condition; and a failure to comply with the provisions of this article on the part of any board of education or school board, shall be sufficient grounds for removal from office and for withholding from any district any part of the county tuition fund.

ARTICLE XXII.—CHILD LABOR.

§ 291. **UNLAWFUL TO EMPLOY CHILDREN UNDER FOURTEEN YEARS.**] No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during the hours when the public schools of the district in which the child resides are in session.

§ 292. **EMPLOYMENT OF CHILD UNDER SIXTEEN YEARS.**] No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any mine, factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file, and accessible to the superintendent of schools of the city or village, if one is employed, otherwise, to the clerk of the school board or board of education, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal en-

trance of the building in which such child is employed. On termination of the employment of a child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent, or guardian or custodian. The superintendent of schools or clerk of the school board or board of education, as the case may be, may make demand on an employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The superintendent of schools of the city or village or clerk of the school board or board of education may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the superintendent of schools of the city or village or the clerk of the school board or board of education, as the case may be, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be *prima facie* evidence in any prosecution brought for a violation of this act that such child is under sixteen years of age and is unlawfully employed.

§ 293. WHO AUTHORIZED TO ISSUE EMPLOYMENT CERTIFICATES.] The superintendent of schools of the city or village, if one is employed, and if not, then the clerk of the school board or board of education, is hereby authorized to issue an employment certificate in writing, such certificate is to be issued upon the evidence prescribed in section four of this act; provided, that no employment certificate shall be issued for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee.

§ 294. EMPLOYMENT CERTIFICATE, ON WHAT ISSUED.] The person authorized to issue employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed:

1. The school record of such child properly filled out and signed as provided in this act.
2. A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital

statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child.

3. The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards, and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

§ 295. CONTENTS OF CERTIFICATES.] Such certificates shall state the date and place of birth of the child and describe the color of the hair and eyes, the height and weight and any distinguishing marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

§ 296. SCHOOL RECORD, WHAT TO CONTAIN.] The school record required by this act shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and twenty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent, guardian or custodian.

§ 297. HOURS OF LABOR.] No person under the age of sixteen years shall be employed or suffered or permitted to work at

any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the superintendent of schools of the city or village, or the clerk of the school board or board of education, and the employment of any minor for longer times in any day so stated shall be deemed a violation of this section.

§ 298. PEACE OFFICERS TO INSPECT PLACES OF WORK.] Peace officers may visit mines, factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act; and it shall be their duty to report any cases of such illegal employment to the school board or board of education. Such officer may require that the employment certificates and lists provided for in this act of minors employed in such factories, mines, workshops or mercantile establishments shall be produced for their inspection. Complaints for offenses under this act may be made by such peace officer or by any other person cognizant of the facts.

§ 299. EMPLOYMENTS.] No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any child adjust any belt to any machinery, they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood-joiners, planers, sand-paper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood-turning, or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors, or white lead; nor shall they be employed in any capacity whatever in operating

or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured, or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly.

§ 300. PENALTY FOR VIOLATION OF THIS ACT.] Each owner, superintendent, manager or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child contrary to the provisions of this act or who shall in any manner violate the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than twenty dollars nor more than fifty dollars and costs. Each person authorized to sign a certificate as prescribed in the preceding section who certifies to any material false statement therein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars and costs.

§ 301. PROSECUTION, HOW BROUGHT.] Prosecutions under this act shall be brought in the name of the state of North Dakota before any court of competent jurisdiction, and the fines collected shall be paid over to the county treasurer and by him credited to the school fund of the state.

ARTICLE XXIII.—MAINTENANCE OF EDUCATIONAL INSTITUTIONS:

§ 302. FREE PUBLIC SCHOOLS.] The state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal schools at Valley City and Mayville, the deaf and dumb school at Devils Lake, the normal and industrial school at Ellendale, the scientific school at Wahpeton, the school of forestry at Bottineau, and all other schools heretofore established by law and maintained by taxation constitute the system of "free public schools" of the state.

§ 303. MAINTENANCE OF INSTITUTIONS.] For the purpose of providing for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the school for the deaf and dumb at Devils Lake, the school of forestry at Bottineau, the North Dakota Academy of Science at Wahpeton and the normal and industrial school at Ellendale, as a part of the public school system of this state there is hereby upon all taxable property in the state real and personal annual tax of one mill on each dollar of the assessed valuation of such property in each and every year hereafter.

§ 304. COUNTY AUDITOR SHALL CALCULATE AMOUNT OF LEVY.] The county auditor of each county shall, at the time of making the annual tax list in his county, calculate the amount of the levy hereinbefore provided for upon each and every item of property assessed in his county as it appears upon the last assessment roll, and extend the same upon such tax list in a column to be provided for that purpose and such tax shall thereupon be calculated and paid over to the state treasurer the same as other state taxes.

§ 305. SUCH TAXES, HOW APPORTIONED.] Such taxes as levied shall be apportioned by the state treasurer to the several institutions herein mentioned as follows: Thirty-three one-hundredths of a mill to the state university and school of mines at Grand Forks; twenty one-hundredths of a mill to the agricultural college at Fargo; fifteen one-hundredths of a mill to the state normal school at Valley City; thirteen one-hundredths of a mill to the state normal school at Mayville; six one-hundredths of a mill to the school for the deaf at Devils Lake; two one-hundredths of a mill to the school of forestry at Bottineau; four one-hundredths of a mill to the North Dakota academy of science at Wahpeton; seven one-hundredths of a mill to the normal and industrial school at Ellendale; provided, that all moneys hereafter collected from any tax heretofore levied shall be apportioned as herein provided.

§ 306. MONEYS, HOW APPORTIONED.] The moneys arising from the taxes hereinbefore levied are hereby apportioned for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the school for the deaf and dumb at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton, and the normal and industrial school at Ellendale, the same to be paid monthly to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon vouchers of said board signed by their respective presidents, and to be expended by the several boards, in their discretion, in the establishment and maintenance of said institutions hereinbefore mentioned.

§ 307. FUNDS, WHEN PAID OVER.] All moneys received as interest, all moneys received for rents, for penalties, for permits, and all moneys received from any other source from the respective lands of the different educational institutions hereinafter mentioned (except moneys received as principal from the sale of lands belonging to the agricultural college, lands belonging to the state university and school of mines, lands belonging to the two normal schools, lands belonging to the normal and industrial school), shall be paid over to the respective treasurers of the educational institutions above mentioned, by the state auditor on the first day of January, April, July and October in each year. The funds

herein referred to shall be subject to the order of the respective boards of trustees of each institution hereinbefore mentioned and shall be used for the maintenance of such institutions respectively.

ARTICLE XXIV.—CERTAIN ACTS LEGALIZED.

§ 308. ACTS LEGALIZED.] Where the officers of any incorporated city, village or school district of this state shall have incurred indebtedness and issued warrants or orders for the erection, purchase, repair or maintenance, within and for said city, village or school district for school or other buildings, or water-works, gas or electric light plants, public wells, cisterns, fire apparatus, or legitimate corporate purposes for said city, village or school district, or to pay for or to raise money for any such purpose, and said warrants or orders are outstanding, or held in the general revenue or other funds of said city, village or school district, in any and all such cases where said warrants or orders are within the debt limit, the same are hereby legalized and are declared to be the valid indebtedness of such city, village or school district, and in every case where the city council or city commissioners, village board of trustees, school board or board of education thereof shall have heretofore or shall hereafter determine by resolution or ordinance, that it was or is for the best interests of the city, village or school district to issue its negotiable bonds in the name of the city, village or school district for the sole purpose of funding such indebtedness, and shall have been or shall be authorized to issue such bonds, by a majority vote of the qualified electors of such city, village or school district, voting thereon at any regular or special election legally called and held after public notice thereof as required by law, and if such bonds shall have been or shall be executed, sold and delivered for value, and the proceeds arising from such sale shall have been or shall be applied exclusively to the express purpose of funding such warrants or orders, then in every such case such bonds whether engraved, lithographed or printed on bond paper, shall when executed, sold and delivered as provided by law be deemed, and hereby are declared to be valid and subsisting indebtedness of the city, village or school district issuing the same.

§ 309. PENDING ACTIONS NOT AFFECTED. DEBT LIMIT.] This act shall not affect any actions now pending in which the validity of any such warrants, orders, bonds or indebtedness is called in question; providing, however, that the issue of such bonds shall not be construed to be an increase of the indebtedness of the municipality and the proceeds of sales of such bonds shall be applied exclusively towards the discharge of the indebtedness of such city, village or school district referred to in section 308 of this act.

§ 310. REPEAL.] Sections 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, Sections 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, and Section 1030 of the Revised Codes of 1905 with any and all amendments thereto, and Chapters 49, 98, 100, 103, 124, 153, and 201 of Session Laws of 1909 are hereby repealed.

DEPOSITORIES.

§ 920. SCHOOL FUNDS REQUIRED TO BE DEPOSITED.] All funds of each and every city or school district of this state shall be deposited by the treasurer of the city, county or school district, as soon as received by him, in the name of the city or school district of which he is an officer, in such bank or banks as shall have been designated as city or school district depositories in accordance with this article, as hereinafter provided.

§ 921. DEPOSITORIES TO BE DESIGNATED.] The city council or school board of each and every city or school district of this state, at its first regular meeting after this article shall take effect and at its first regular meeting in July of each odd numbered year thereafter, shall designate one or more national or state banks in its city or district or county as city or school district depositories, in which all of the funds of such city or school district shall be deposited.

§ 922. CITY AUDITOR OR SCHOOL CLERK TO ADVERTISE FOR PROPOS-

ALS.] The city auditor or school clerk of each city or school district shall advertise in one or more newspapers of the city, county or village, for at least two weeks immediately prior to such meeting for sealed proposals for the deposit of funds of such city or school district, which advertisements shall state the date up to which such proposals will be received, which date shall be the day of the meeting of the city council or school board, at which such proposals are to be opened. Such proposals shall state in writing what rate of interest will be paid on average daily balances during the month, interest to be paid monthly on condition that such funds, with accrued interest, shall be held subject to draft at all times on demand. Such proposals shall be inclosed in sealed envelopes, addressed to the city auditor or school clerk and marked "Proposals for deposit of city or school funds," and shall be by the city auditor or school clerk filed in his office.

§ 923. HOW PROPOSALS ACTED ON. BOND REQUIRED.] Such proposals shall be presented to the city council or school board at such meetings, and then, but not till then, shall be opened by the city auditor or school clerk in the presence of the council or school board, and the council or school board shall thereupon proceed to accept the proposal of the bank or banks offering the highest rate of interest, not inconsistent therewith, subject to the filing of a satisfactory bond as hereinafter provided, the amount of which bond shall then and there be fixed by the city council or school board. Before any bank shall be designated as such depository, it shall submit to the city council or school board for its approval a bond payable to the city or school district conditioned for the safe keeping and repayment of any and all funds deposited in such banks, which bond shall be signed by not less than five freeholders of the county or state as sureties; such bond to be in the sum required by the city council or school board, but in no case less than double the probable amount of funds to be deposited in such bank. If at any time the amount of funds on deposit in any such depositories shall exceed one-half of the amount named in such bond, it shall be the duty of the city council or school board at its next regular meeting thereafter to require from such depository an additional bond in a sum not less than twice the amount of such excess. Such bond shall be approved by the city council or school board and the approval indorsed thereon by the mayor or president of the school board, and by him deposited with the city auditor or school district clerk; and any bank whose bond shall have been so approved shall thereupon be designated by the city council or school board as a city or school district depository and shall continue as such until such time as the city council or school board shall advertise for bids as aforesaid. If the city council or school board fails or refuses to approve such bond, the same may be presented to the judge of the district court, upon three days' notice to the city auditor or school district clerk, who shall proceed to hear

and determine the sufficiency of such bond, and may approve such bond, and the said bank shall be declared a city or school district depository as aforesaid. The sureties on such bond shall be required to justify as required by law in arrest and bail proceedings; provided, however, that in lieu of such personal bond, the city council or school board may require such banks or bank to file a surety company bond for a sum equal to the amount of funds such bank may receive according to the provisions of this article. If at any time the amount of funds on deposit in such depositories shall exceed the amount named in such surety company bond, it shall be the duty of the city council or school board at its next regular meeting thereafter to require from such depositories an additional surety bond in the sum of not less than the amount of such excess. Such surety company's bond shall be approved as provided by law.

§ 924. IN CASE BIDS ARE EQUAL, HOW DECIDED.] When two or more banks in the same city or village, proposing to be city or school district depositories, offer the same rate of interest, it shall be the duty of the city council or school board to select, impartially, as many of such banks as depositories as offer ample security for such deposits. In estimating the value of the security offered by any proposed depository the capital, surplus and general credit of the bank shall be taken into consideration, as well as the bonds proposed to be given.

§ 925. TWO OR MORE BANKS MAY BE DESIGNATED.] In case two or more banks be designated as depositories, the city or school district treasurer shall, as far as practicable, keep in each of the several depositories equal balances at all times; provided, that in cities or villages where two or more banks are designated as depositories, the amount deposited in any bank shall not exceed the capital of the banks in said city or village, then the city council or school board shall deposit the funds of the city or school district in the banks of the city or village upon their giving a bond according to law.

§ 926. WHEN TIME DEPOSITS MAY BE MADE.] Whenever there shall be accumulated in the sinking fund or any other revenue, city or school district fund, established by law, in any of the cities or school districts of this state, an amount of money exceeding two hundred dollars, and for which there is no immediate use, the city council or school board of such city or school district is authorized and empowered to direct a time deposit of such funds for a period of one year or six months, as they may deem expedient, either in one or more of the city or school district depositories created by law, or such state or national bank as the city council or school board may designate.

§ 927. HOW DEPOSITORIES FOR TIME DEPOSITS ARE SELECTED.] The depositories for such time deposits of the city or school district funds may be designated at any regular meeting of the city council or school board of such city or school district upon the ad-

vertisement and proposals as provided by law for designating the depositories of the general city or school district funds, and the bank or banks designated as the depository or depositories of such time deposits of such city or school district funds shall be required to furnish a bond in the same amount, manner and form as prescribed by law for the several city and school district depositories.

§ 928. MAXIMUM RATE OF INTEREST ON CALL DEPOSITS.] To further secure the safety of the city or school district funds deposited under the provisions of this article the city council or school board shall satisfy itself of the responsibility of the several banks proposing to act as depositories, and any bank offering more than four per cent per annum on deposits, subject to check, shall not be designated as a depository under the provisions of this article; provided, this act shall not apply to school districts in incorporated cities or villages.

§ 929. IN WHOSE NAME DEPOSITED.] All funds in the city or school district shall be deposited in the name of the city or school district by the city treasurer or treasurer of the school district, as soon as received by him, in such bank or banks as shall have been designated as city or school district depositories.

§ 930. PENALTY FOR VIOLATION.] If any city or school district treasurer shall deposit any of the funds of his city or school district or loan the same in any manner except according to the provisions of this article, he shall be liable to a penalty of five hundred dollars for each deposit or loan so made.

§ 931. BANKS TO FURNISH MONTHLY STATEMENTS.] Each depository shall furnish to the city auditor or clerk of the school district on the first day of each month an itemized statement of the account of the city or school district with such depository, duly verified by the affidavit of the cashier of such bank, which statement shall be filed and carefully preserved in the office of the city auditor or school clerk. All sums of interest accruing on the funds deposited as aforesaid shall be credited to such deposit account on the first day of each month for the preceding month, and a statement of such interest shall be rendered by such depository to the city auditor or school clerk on the first day of each month and the auditor or clerk shall charge the treasurer with the amount thereof and credit the sum to the general funds of the city or school district.

§ 932. HOW CHECKS SHALL BE SIGNED.] All checks drawn upon the city or school district depositories shall be signed by the city or school district treasurer in the name of the city or school district, by himself as treasurer.

§ 933. WHEN BIDS NOT REQUIRED.] It is the duty of the officers mentioned in this article to comply with the provisions hereof; provided, that in cities or villages where only one bank is located, the city council or school board shall designate such bank or other bank within this state the depository without advertising

for bids, if such bank agrees to pay interest at the rate of at least two per cent per annum and furnishes a bond as hereinbefore provided for the safe keeping and repayment of any funds deposited in such bank. In cities or villages or counties where there is no bank or where no bank offers to comply with the requirements of this act, the city council or school board must designate some bank or banks outside of such city or village and within this state as such depositories, but (such) bank or banks must furnish a bond in the same manner as other depositories.

§ 934. [TREASURER NOT LIABLE FOR FUNDS DEPOSITED BY REASON OF BANK FAILURE.] When the funds of any city or school district are deposited by the city or school district treasurer as provided herein, such treasurer and his sureties shall be exempt from all liability thereon by reason of the loss of any funds from the failure, bankruptcy or any other act of such bank to the extent only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy.

§ 935. [EXCEPTIONS TO LAW.] It shall not be incumbent upon the city council or school board to designate depositories as herein provided for until the amount in such city or school treasury equals or exceeds the sum of five hundred dollars.

§ 936. [VIOLATION CONSTITUTES MISDEMEANOR.] Any officer violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

CHAPTER 268.

[H. B. No. 181—Tuttle]

SCHOOL HOUSES AND SITES.

AN ACT To Amend Section 2 of Chapter 204 of the Laws of 1909, Entitled an Act to Amend Section 811, 829, 822 and 883 of the Revised Codes of 1905, Pertaining to Education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. [AMENDMENT.] That Section 2 of Chapter 204 of the Laws of 1909, being Section 829 of the 1905 Revised Codes of North Dakota, be and the same is hereby amended to read as follows:

§ 829. SCHOOL HOUSES AND SITES. HOW DETERMINED. PLANS FOR SCHOOL HOUSES. HOW PREPARED. BOARD OF INSPECTORS. HOW CONSTITUTED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the voters of the district, the board shall call a meeting of the voters in the district at some convenient time and place fixed

by the board to vote upon the question of the selection, purchase, exchange, or sale of a school house site, or the erection, removal, or sale of a school house. Said election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place and purpose of such meeting shall be posted in three public places in the district at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange or sale of the school house, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove or sell such school house, as the case may be, in accordance with such vote; provided, it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house, and such school house so removed cannot again be removed within three years from the date of such meeting; provided, further, that whenever a school house is to be purchased, erected or constructed in a common school district, the school board shall consult with the county superintendent of schools and the county superintendent of health with regard to plans providing for the proper construction, lighting, heating and ventilation; provided, further, that it shall be the duty of the state superintendent of public instruction to furnish plans for school houses of one and two rooms, as will be in accord with the best ideas pertaining to heating, lighting, ventilating and other sanitary requirements.

EMERGENCY.] Whereas, section 829 as at present constituted, is inoperative an emergency exists and this act shall take effect from and after its passage and approval.

Approved March 6, 1911.

[S. B. No. 178—Welo]

PROHIBITING COUNTY OFFICIALS FROM RECEIVING COMMISSION. AN ACT Prohibiting County Superintendents of Schools, Deputies, School District Officers, School Officials, Principals and Teachers From Receiving Commission or Fees or Reward for or on Account of any School Books, Furniture or Other Supplies Purchased During the Incumbency of Such Office, and Providing a Penalty therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every county superintendent of schools, deputy thereof, school district directors, clerk, treasurer, principal of a school or teacher therein who shall receive any commissions, fee or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such official, prin-

cipal or teacher for the use of the school district or school under the supervision of such official, principal or teacher, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars and may be removed from his office.

Approved March 3, 1911.

CHAPTER 269.

[H. B. No. 434—Price]

GOVERNING THE CONSTRUCTION OF PUBLIC SCHOOL BUILDINGS AND PROVIDING FOR THE INSPECTION, VENTILATION AND SANITATION THEREOF.

AN ACT Entitled "An Act for the Purpose of Governing the Construction of Public School Buildings and Providing for the Inspection, Ventilation and Sanitation Thereof."

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. BUILDINGS INSPECTED. PLANS AND SPECIFICATIONS TO BE SUBMITTED TO SUPERINTENDENT OF PUBLIC INSTRUCTION.] No building which is designed to be used, in whole or in part, as a public school building, shall be erected until a copy of the plans thereof has been submitted to the state superintendent of public instruction, who for the purposes of carrying out the provisions of this act is hereby designated as inspector of said public school building plans and specifications, by the person causing its erection or by the architect thereof; such plans shall include the method of ventilation provided for, and a copy of the specifications therefor.

§ 2. CONSTRUCTION OF SCHOOL HOUSES.] Such plans and specifications shall show in detail the ventilation, heating and lighting of such building. The state superintendent of public instruction shall not approve any plans for the erection of any school building or addition thereto unless the same shall provide at least twelve square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein.

(1) Light shall be admitted from the left or from the left and rear of class rooms and the total light area must, unless strengthened by the use of reflecting lenses be equal to at least 20 per cent of the floor space.

(2) All ceilings shall be at least twelve feet in height.

(3) No such plans shall be approved by him unless provision is made therein for assuring at least 30 cubic feet of pure air every minute per pupil and warmed to maintain an average temperature of 70 degrees F. during the coldest winter weather,

and the facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes. No tax voted by a district meeting or other competent authority in any such city, village, or school district, exceeding the sum of two thousand dollars (\$2000.00) shall be levied by the trustees until the state superintendent of public instruction shall certify that the plans and specifications for the same comply with the provisions of this act. All school houses for which plans and detailed specifications shall be filed and approved, as required by this act, shall have all halls, doors, stairways, seats, passageways and aisles and all lighting and heating appliances and apparatus arranged to facilitate egress in case of fire or accident and to afford the requisite and proper accommodations for public protection in such cases. All exit doors shall open outwardly, and shall if double doors be used, fasten with movable bolts operated simultaneously by one handle from the inner face of the door. No staircase shall be constructed with wider steps in lieu of a platform, but shall be constructed with straight runs, changes in direction being made by platform. No doors shall open immediately upon a flight of stairs, but a landing at least the width of the door shall be provided between such stairs and such doorway.

(4) Every public school building shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided with sufficient number of proper water closets, earth closets or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health.

§ 3. TOILET ROOMS. HOW CONSTRUCTED.] No toilet rooms shall be constructed in any public school building unless same has outside ventilation and windows permitting free access of air and light. The provisions of this act shall be enforced by the state superintendent of public instruction or some person designated by him for that purpose.

§ 4. METHOD OF INSPECTION AND ADJUSTMENT OF GRIEVANCES.] If it appears to the state superintendent of public instruction or his deputy appointed for that particular purpose, that further or different sanitary or ventilating provisions, which can be provided without unreasonable expense, are required in any public school building, he may issue a written order to the proper person or authority, directing such sanitary or ventilating provisions to be provided. A school committee, public officer or person who has charge of any such public school building, who neglects for four weeks to comply with the order of said state superintendent of public instruction or his deputy, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

(1) Whoever is aggrieved by the order of the state sup-

erintendent of public instruction or his deputy issued as above provided, and relating to a public school building, may within thirty days after the service thereof, apply in writing to the board of health of the city, town, incorporated village or school district to set aside or amend the order; and thereupon the board, after notice to all parties interested, shall give a hearing upon such order, and may alter, annul or affirm it.

§ 5. VENTILATING FLUES AND METHOD OF CONSTRUCTING SAME.] No wooden flue or air duct for heating or ventilating purposes shall be placed in any building which is subject to the provisions of this act, and no pipe for conveying hot air or steam in such building shall be placed or remain within one inch of any wood-work, unless protected by suitable guards or casings of incombustible material.

§ 6. APPROVAL OF PLANS. BY WHOM AND PENALTY FOR VIOLATION.] To secure the approval of plans showing the method or systems of heating and ventilation as provided for in section 2 the foregoing requirements must be guaranteed in the specifications accompanying the plans. Hereafter erections or constructions of public school buildings by architect or other person who draws plans or specifications or superintends the erection of a public school building, in violation of the provisions of this act, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

§ 7. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 8. EMERGENCY.] Whereas, there being no adequate law on the statute books governing the subject matter, therefore an emergency exists and this act shall be in force and effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 9.

[S. B. No. 285—Davis]

APPROPRIATION FOR A TEMPORARY EDUCATIONAL COMMISSION.
AN ACT Establishing a Temporary Educational Commission and Appropriating One Thousand Dollars for the Expenses Thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. For the purpose of studying educational system, both in the United States and elsewhere, with a view to the presentation of a report which will form a basis for the unifying and systematizing of the educational system of this state, including the several secondary schools and higher institutions of learning and the Department of Public Instruction, a commission is hereby created

consisting of the following members, namely: President of the University, President of the Agricultural College, President of Valley City Normal, Superintendent of Public Instruction, Lieutenant Governor, Speaker of the House of Representatives and one other member to be appointed by the Governor within sixty days from the passage of this act.

§ 2. The commission provided for in Section 1, of this act shall report to the Governor and Legislature in December 1912, their findings, accompanied by a bill, which shall contain the recommendations which it is proposed to enact into law, and may make from time to time public reports at their discretion. The members of such commission shall receive no compensation other than actual and necessary expenses. For the purpose of paying such expenses and the expenses of printing, clerical work and travel, there is hereby appropriated the sum of one thousand dollars, or as much thereof as may be necessary, out of any funds in the treasury not otherwise appropriated.

Approved March 17, 1911.

CHAPTER 35.

[H. B. No. 210—Olsgard of Nelson]

TO ENCOURAGE ELEMENTARY EDUCATION.

AN ACT To Encourage Elementary Education in North Dakota and Appropriate Money Therefor.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PURPOSE.] The purpose of this act shall be to aid, encourage, stimulate, and standardize the rural and smaller graded schools of this state and thereby increase the efficiency of the entire educational system of this state.

§ 2. GRADED, CONSOLIDATED AND RURAL SCHOOLS MAY OBTAIN STATE AID.] Any public school in any common school district in the state or any public school in any city, town or village, or any consolidated school in the state, not entitled to aid as a state high school, but fully complying with the conditions of this act relating to state graded schools and any public school in any common school district in the state not located in any incorporated city, town or village, or any consolidated school not entitled to state aid as a state high school or graded school, but fully complying with the conditions of this act relating to state rural schools, may receive aid as hereinafter provided for state graded schools and state rural schools.

§ 3. CONDITIONS TO BE COMPLIED WITH BY STATE GRADED SCHOOLS IN ORDER TO OBTAIN AID.] State graded schools shall be of two classes, first and second class. First class: In order to be en-

tituled to aid as a state graded school of the first class, such school shall have complied with the following conditions, namely:

First, it shall have maintained for the school year next preceding that for which aid is granted at least nine (9) months school. Second, it shall be well organized, having at least four departments under the supervision of proficient teachers. The principal shall be a graduate of a normal school or other institution of higher learning or shall hold a state professional certificate and each department of such school shall be taught by a teacher having at least a first grade elementary certificate or better. Third, it shall have a suitable school building properly lighted, heated and ventilated, sanitary and commodious outhouses and other necessary accommodations, library and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study and shall include the first two years of a high school course, as suggested by the state high school board as well as courses in domestic science, manual training and elementary agriculture and shall comply with such rules as may be established by the state superintendent of public instruction.

Second class: In order to be entitled to aid as a state graded school of the second class, such school shall have complied with the following conditions, viz:—

First, it shall have maintained for the school year next preceding that for which aid is granted at least nine (9) months school. Second, it shall be well organized, having at least two departments under the supervision of proficient teachers. The principal shall be a graduate of a normal school or other institution of higher learning or shall hold a state professional certificate, and each department of such school shall be taught by a teacher having a first grade elementary certificate or better. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary and commodious outhouses and other necessary accommodations, a library and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, courses in domestic science, manual training and agriculture and shall comply with such rules as may be established by the state superintendent of public instruction.

§ 4. CONDITIONS FOR OBTAINING AID AS A STATE RURAL SCHOOL.] State rural schools shall be of two classes, first and second class.

First class: In order to be entitled to aid as a state rural school of the first class, such school shall have complied with the following conditions, viz:

First: Such school shall have maintained during the school year next preceding that for which aid is granted at least nine (9) months school.

Second: It shall be taught by a teacher of successful experience, holding a first grade elementary certificate or better.

Third: It shall have a suitable school building, properly lighted, heated and ventilated; sanitary and commodious outhouses and other necessary accommodations, a library and such other apparatus as is necessary to do efficient work.

Fourth: Such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such rules as may be established by the state superintendent of public instruction.

Second Class: In order to be entitled to aid as a state rural school of the second class such school shall have complied with the following conditions, namely:

First: Such school shall have maintained for the school year next preceding that for which aid is granted at least eight (8) months school.

Second: It shall be taught by a teacher of successful experience holding a second grade elementary certificate or better.

Third: It shall have a suitable school building, properly lighted, heated and ventilated, sanitary and commodious outhouses, and other necessary accommodations, library and such other apparatus as is necessary to do efficient work.

Fourth: Such school shall have a regular and orderly course of study as is prescribed in the state course of study for common schools, including elementary agriculture and shall comply with such rules, as may be established by the state superintendent of public instruction.

Provided, that for the purpose of this entire act, the primary certificate shall be considered as the equivalent of the first grade elementary certificate; further, that except in case of the principal teacher, the superintendent of public instruction may, in his discretion, recognize teachers holding second grade elementary certificates who have had five years of successful experience as eligible to teach in any of the schools contemplated by this act.

§ 5. APPLICATION TO BE MADE TO THE COUNTY SUPERINTENDENT OF SCHOOLS.] Applications from schools for the aid herein provided in the case of both state graded and state rural schools shall be made to the county superintendent of schools of the county in which such schools are located. The county superintendent shall forward to the state superintendent of public instruction such applications as are endorsed and recommended by him, together with a certificate of the superintendent of the county wherein the school making such application is situated, to the effect that such school has fully complied with the conditions mentioned in section three (3) of this act in the case of state graded schools, and with the conditions mentioned in section four (4) of this act in the case of state rural schools.

§ 6. INSPECTION BY DEPARTMENT OF PUBLIC INSTRUCTION. INSPECTOR OF RURAL AND GRADED SCHOOLS. APPOINTMENT, SALARY AND EXPENSES. QUALIFICATIONS OF INSPECTOR.] Applications for aid of state graded schools or state rural schools which have the endorsement and recommendation of the superintendent of the county wherein such schools are located shall be filed in the office of the state superintendent of public instruction and prior to the apportionment of any aid, under the provisions of this act, shall be duly inspected by an officer of the department of public instruction known as the inspector of rural and graded schools. Such inspector shall be appointed by the state superintendent of public instruction for a term of two years and shall receive a salary of \$2,000 a year, together with his necessary and actual traveling expenses while in the active discharge of his duties. Such salary and expenses are to be paid out of the moneys appropriated for the purposes of this act upon presentation of vouchers properly verified and approved by the state superintendent of public instruction and filed with the state auditor. The inspector of rural and graded schools shall have the educational qualifications required by law for state superintendent of public instruction and shall have previously served as county superintendent of schools in this state.

§ 7. AMOUNT OF APPORTIONMENT.] Between the first of August and the first of September of each year, the state superintendent of public instruction shall apportion to each of said state graded schools which have fully complied with the provisions of this act and such additional rules as may be established by him, relating to state graded schools, the sum of one hundred fifty dollars in each year to state graded schools of the first class and to state graded schools of the second class the sum of one hundred dollars, and he shall apportion to each of the state rural schools which have fully complied with the provisions of this act and such additional rules as may be established by him relating to state rural schools, the sum of one hundred dollars in each year to each state rural school of the first class; and to each state rural school of the second class, the sum of fifty dollars in each year; provided, however, that in case the amount appropriated and available shall not be sufficient to pay the amounts specified above, then the amount available shall be apportioned pro rata among the schools entitled thereto and any moneys apportioned under this act shall be used solely to increase the efficiency of such schools. Provided, also, that but one school of each class in any township shall receive aid under the provisions of this act until all of those schools applying for aid before August first of each year are considered and disposed of.

§ 8. ADDITIONAL AID TO CONSOLIDATED SCHOOLS.] Any consolidated school, meeting the requirements for a state graded school

of the first class shall receive additional aid in the amount of one hundred dollars, and any consolidated school meeting the requirements for a state graded school of the second class shall receive additional aid in the amount of seventy-five dollars; further, any consolidated school, meeting the requirements for a state rural school of the first class shall receive additional aid in the amount of fifty dollars and any consolidated school meeting the requirements for a state rural school of the second class shall receive additional aid in the sum of twenty-five dollars. A consolidated school, within the meaning of this act shall be one organized in accordance with section 832 of the Revised Codes of 1905.

§ 9. RECORDS, ACCOUNTS AND RULES.] The state superintendent of public instruction shall keep a record showing all schools applying for and receiving aid as state graded schools or as state rural schools in each year, and a detailed account of all moneys received by him and disbursed for such purposes. The state superintendent is also authorized to establish such additional rules as shall be found necessary to secure uniformity and the best results among the schools receiving such state aid.

§ 10. ADVANCEMENT OF GRADED SCHOOLS OF THE FIRST CLASS TO HIGH SCHOOLS AND ADVANCEMENT OF GRADED SCHOOLS OF THE SECOND CLASS TO GRADED SCHOOLS OF THE FIRST CLASS.]

First Class: When any state graded school of the first class in this state attains such a degree of proficiency as to satisfy the inspector of rural and graded schools that it has the qualifications necessary to entitle it to be advanced to a state high school, such inspector may recommend the same to the state high school board for such advancement. If the state high school board is satisfied that such school complied with all the requirements necessary to entitle it to promotion, said board may raise it to a state high school, entitling it to aid as such.

Second class: When any state graded school of the second class in this state has attained such a degree of proficiency as to satisfy the inspector that it has the qualifications necessary to entitle it to be advanced to a state graded school of the first class such inspector may recommend the same to the state superintendent of public instruction for such advancement. If the state superintendent of public instruction is satisfied that such school fully complies with all the requirements necessary to entitle it to promotion, such superintendent may raise it to a state graded school of the first class, entitling it to aid as such.

§ 11. REPORT OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.] The state superintendent of public instruction shall include in his biennial report a comprehensive statement of all receipts and disbursements; the names and number of schools in each class receiving aid; the number of pupils attending the classes in each and the cost of supervision of all schools receiv-

ing aid under this act for the years covered by such report, to which may be added an estimate of appropriation needed to meet the requirements of this act for the succeeding two years and such other recommendations as he may deem useful and proper.

§ 12. AMOUNT APPROPRIATED FOR EACH CLASS.] For the purpose of carrying out the provisions of this act the following sums are hereby appropriated annually, to be paid out of any moneys in the state treasury not otherwise appropriated, viz: For aid to state graded schools the sum of six thousand dollars (\$6,000) annually. For aid to state rural schools the sum of six thousand dollars (\$6,000) annually and for additional aid to state consolidated schools the sum of three thousand dollars (\$3,000) annually. For the inspector's salary as hereinbefore provided the sum of two thousand dollars (\$2,000) annually and for the actual and necessary traveling expenses of said inspector the sum of five hundred dollars (\$500) annually, which amounts, or so much thereof as is necessary, shall be paid upon the itemized voucher of the state superintendent of public instruction, duly certified and filed with the state auditor. Provided, however, that in case the amount appropriated and available under this article for the payment of aid to such schools shall in any year be insufficient to apportion to each of such schools as are entitled thereto the full amount intended to be apportioned to state graded schools, state rural schools and state consolidated schools, then, in such case, such amounts as are appropriated and available shall be apportioned pro rata among the schools entitled thereto. Provided, the first annual appropriations herein provided for such shall become available July first, 1911.

§ 13. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 17, 1911.

CHAPTER 40.

[H. B. No. 29—Davis]

AN ACT to Provide for the Establishment and Maintenance of a Department of Agriculture, Manual Training and Domestic Economy in State High, Graded and Consolidated Schools.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SCHOOLS TO MAINTAIN DEPARTMENT OF AGRICULTURE. How DESIGNATED.] Any state high school, graded or consolidated rural school having satisfactory rooms and equipment, and having shown itself fitted by location and otherwise to do agri-

cultural work, may, upon application to the high school board be designated to maintain an agricultural department.

§ 2. REQUIREMENTS.] Each of such schools shall employ trained instructors in agriculture, manual training and domestic science, (including cooking and sewing), and have connected therewith, so long as they shall enjoy the benefits of this act, a tract of land suitable for a school garden and purposes of demonstration, and containing not less than ten acres and located within one mile of school buildings.

§ 3. INSTRUCTION TO BE OFFERED.] Instruction in the industrial department herein provided shall be free to all residents of this state. Where necessary to accommodate a reasonable number of boys and girls able to attend only in the winter months, special classes shall be formed for them. Said department shall offer instruction in soils, crops, fertilizers, drainage, farm machinery, farm buildings, breeds of live stock, stock judging, animal diseases and remedies, production, testing and hauling of milk and cream, the manufacture of butter and cheese, the growth of fruit and berries, management of orchards, market garden and vegetable crops, cereal grains, fine seeds, book-keeping and farm accounts and all other matters pertaining to general practice.

§ 4. Each of said schools shall receive state aid in the sum of two thousand five hundred dollars and its proportionate share of all moneys appropriated by the national government for the teaching of elementary or secondary agriculture in the public or high schools of this state, but shall not participate in the state aid now being given to the state high schools. Not more than five schools shall be aided the first year nor more than five be added to the list every two years thereafter.

§ 5. APPROPRIATION.] For carrying out the provisions of this act there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated: For the year ending June 30, 1912, the sum of \$12,500. For the year ending June 30, 1913, the sum of \$12,500. Provided, that no more than one school in any county shall be added to the list of state schools receiving state aid under this act in any two years.

§ 6. EXTENSION TO RURAL SCHOOLS.] For the purpose of extending the teaching of agriculture, home economics and manual training to pupils in rural schools, and for the purpose of extending the influence and supervision of state high or graded schools over rural schools, one or more rural schools may become associated with any state high or graded school maintaining a department of agriculture, whether or not such high or graded school has been designated by the state agricultural high school board to receive aid under the provisions of this act. Any such high or graded school shall, for the purpose of this act, be known as a central school.

§ 7. HOW EFFECTED.] To effect this, proceedings shall be had by petition and election on the part of the rural school or schools as now provided by law for the consolidation of school districts and ballots to vote upon this proposition shall read:

To associate with District No.....for the teaching of agriculture and manual training. Yes.....

No.....

The district or districts casting a majority vote upon the approval of such association by a majority of the school board of the central school become so associated and the rural school or schools together with the central school shall thereafter be known as the associated school of.....for the teaching of agriculture and manual training.

§ 8. TAXES. HOW LEVIED.] The members of the various school boards of the associated schools shall meet on the third Monday in June of each year at the central school building to act as a board of review and to examine into the amount of money expended in each department of work herein provided for and to determine the amount of tax which shall be levied on the associated rural school district or districts for the purpose of maintaining courses of instruction as provided in section 3 of this act and for the purpose of extending such instruction to the pupils of the associated rural schools. Provided, however, that the tax shall not be less than one mill nor more than four mills in the various rural school districts in the association and such tax shall be in addition to other general and special school taxes in such rural districts. The amount of such tax shall be certified by the chairman of the meeting to the county auditor to be by him extended against the property in the respective districts and when collected by the county treasurer, such tax shall be paid to the treasurer of the central school who shall furnish the board of review full and detailed statement of all moneys received and expended.

§ 9. CENTRAL BOARD. HOW ORGANIZED.] The school board of each rural district associated with a central school under the provisions of this act shall designate one of its members by vote to act with the school board of the central school in carrying out the provisions of this act as to the teaching of agriculture, domestic economy and manual training in such schools and in all matters pertaining to such instruction both in the central school and in the associated rural schools, such member shall have equal power with the member of the school board of the central school.

§ 10. DUTIES OF PRINCIPAL.] The principal or superintendent of the central school shall have and exercise the same authority and supervision over the rural schools as over the central school.

He shall prepare for the associated rural schools a suitable course of study embodying training and instruction in agriculture and such subjects as are related to farm life and can be successfully taught in rural schools.

§ 11. HOW TERMINATED.] The relationship and obligations between the associated rural school or schools and the central school may be terminated at any annual school meeting by a majority vote of the associated districts, but not until the central school has had at least one year's notice of the intention to vote on the question.

Item \$12,500 for year ending June 30, 1912, vetoed; others approved, others approved March 18, 1911.

PARTIAL VETO.

Bismarck, March 18, 1911.

To the Honorable, the Secretary of State:

I file herewith house bill No. 29, an act to provide for the establishment and maintenance of a department of agriculture, manual training, and domestic economy in state high, graded and consolidated schools, with my approval except as to the item \$12,500 for the year ending June 30, 1912. This item is vetoed for the reason that the revenues of the state have been exceeded by the appropriations.

JOHN BURKE,
Governor.

CHAPTER 267.

[S. B. No. 10—Gunderson]

DUTIES OF HIGH SCHOOL BOARDS AND INSPECTORS.

AN ACT To Amend Sections 1031, 1034, 1035 and 1036 of the Revised Codes of 1905, Relating to Education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Section 1031 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 1031. HIGH SCHOOL BOARD. HOW COMPOSED AND DUTIES.] The superintendent of public instruction and the president of the state university, and the president of the North Dakota agricultural college, ex-officio, one member to be chosen from among the superintendents of the city schools, in which are located high schools of first class and one member (male) who shall not be officially connected in any manner with the educational system of the state, shall be appointed by the governor

as herein provided, and shall constitute and be called, "The State High School Board," and shall perform the duties and have and exercise the powers hereinafter mentioned.

One of the members chosen from among the superintendents of the city schools of first-class, shall be appointed for a term of four years, and one member chosen from among the superintendents of city schools of first-class shall be appointed for a term of two years. The member of the board at large shall be appointed for a term of two years; thereafter, the members shall be appointed for a term of four years as provided by law in the case of other state boards.

§ 2. Section 1034 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 1034. HIGH SCHOOL INSPECTOR. HOW APPOINTED. WHAT SCHOOLS TO RECEIVE STATE AID. APPROPRIATION.] The state high school board shall appoint a high school inspector, whose term of office shall be two years, provided, that the inspector appointed in 1911 shall hold office for two years from July 1, 1911. The salary of the high school inspector shall be two thousand dollars per annum payable monthly, on warrant of the state auditor, from the general fund of the state. The high school inspector shall also receive his actual and necessary expenses incurred in the discharge of his official duties, which expenses shall be paid as provided by law out of the general fund of the state. He shall visit at least once a year, and carefully inspect the instruction, discipline and general condition of each high school of the state and make a written report on the same immediately; provided, that no money shall be paid in any case until after such report shall have been received and examined by the board and the work of the school approved by the board. The said board shall receive applications from such schools for aid as hereinafter provided, which applications shall be received and acted upon in order of their reception. The said board shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose application shall have been approved by the board, the following sums, to-wit: Eight hundred dollars each year to each school maintaining a four years' high school curriculum and doing four years' high school work. The sum of five hundred dollars each year to each school having a three years' high school curriculum and doing three years' high school work. The sum of three hundred dollars each year to each school having a two years' high school curriculum and doing two years' high school work; provided, that the moneys so appropriated to any high school shall be used to increase the efficiency of the high school work; provided, that not less than forty per cent of the money appropriated must be used in any one year for libraries, laboratories and other apparatus and equipment; provided, further

that the total amount of apportionment and expenses except the salary and expenses of the high school inspector, under this article shall not exceed forty-five thousand dollars in one year. The sum of forty-five thousand dollars is hereby appropriated annually for the purpose of this article, to be paid out of any moneys in the state treasury, not otherwise appropriated, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said board, duly certified and filed with the state auditor; provided, however, that in case the amount appropriated and available under this article for the payment of aid to such schools shall in any year be insufficient to apportion each of such schools as are entitled thereto, the full amount intended to be apportioned to the high schools of the various classes, then, in such case, such amount as is apportioned and available shall be apportioned pro rata among the schools entitled thereto.

§ 3. Section 1035 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 1035. NO COMPENSATION FOR MEMBERS OF BOARD. EXPENSES. SALARY OF HIGH SCHOOL INSPECTOR.] The members of the board shall serve without compensation, but the actual and necessary expenses of the board, salary and expenses of the clerk, of the examiner and of the readers of the high school board examination papers, shall be paid in the same manner as provided by law for other state officers.

§ 4. Section 1036 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 1036. DISCRETIONARY POWERS.] The high school board shall have full discretionary power to consider and act upon applications of schools for state aid and to prescribe conditions upon which said aid shall be granted, and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law. Provided, not more than five schools in any one county shall have the right to aid under the apportionment of the state high school fund until all other schools eligible under the provisions of this act shall have received their proportionate share of such high school aid. Any school once accepted and continuing to comply with the law and regulations of the board made in pursuance thereof shall be aided not less than three years. The board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance and classification of schools, courses of study and other proceedings under this article.

Approved March 17, 1911.

CHAPTER 264.

[S. B. No. 304—Talcott]

A THOROUGH SYSTEM OF INSTRUCTION IN SCHOOLS.

AN ACT Requiring a more thorough and Comprehensive System of Instruction in All Common and High Schools of this State, and Providing a Penalty for the Violation Thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WRITING.] Each pupil in the common schools as they shall become sufficiently advanced to pursue the same, shall be required to devote at least fifteen minutes practice in writing each day during the school year.

§ 2. COURSE OF STUDY IN HIGH SCHOOLS, SELECTIONS BY PUPILS.] All pupils entering high school shall select one of the courses of study offered by said high school, and no pupil shall be permitted to change said course of study, except by permission of the superintendent of said school, or upon request of the parents or guardian of said pupil.

§ 3. REVIEW BY SENIOR CLASS, DUTY OF SUPERINTENDENT.] The superintendent shall, and it is hereby made his duty to cause to be reviewed by each senior class during the second semester, the full and complete course of study pursued by said class in the grammar grades.

Approved Mar. 6, 1911.

CHAPTER 265.

[S. B. No. 295—Gibbens]

PROVIDING FOR COUNTY AGRICULTURAL AND TRAINING SCHOOL.
AN ACT Providing for the Establishment of County Agricultural and Training Schools and Their Joint Maintenance by the State and the County Wherein Located and Providing for a Levy of State Tax for the Raising of Funds to Meet the State Share of said Cost of Maintenance.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Whenever in the opinion of the citizens of any county in the state, it shall be deemed wise to establish a county school for the purpose of giving instruction in agricultural, domestic economy, manual training and for training of teachers for the rural schools and a petition containing the names of not less than three hundred freeholders is filed with the board of county commissioners, praying for the establishment of such a school such board of county commissioners shall at its next regular meeting consider such petition and in case such board of county com-

missioners decide in favor of establishing such school, such board of county commissioners shall submit the question of establishing and maintaining such school to the electors of such county either at the next general election or they may order a special election for the purpose of determining whether such county shall establish such school. Such special election shall be held in the manner and upon the notice prescribed by law for other elections; but the published and posted notices of such election shall state its object and the amount of money to be appropriated for the establishing of such school. If the majority of all the votes cast at such general or special election upon the question of establishing such school are in favor of establishing such school, the board of county commissioners of such county is hereby authorized to appropriate money for the organization, equipment and maintenance of same and to levy and spread on the tax roll a sufficient sum to carry into effect the provisions of this act; but such sum shall not be less than ten thousand dollars, nor more than twenty thousand dollars, and not exceeding such sum as may be recommended by the board of trustees of the county agricultural and training school created by this act, which sum together with any gift or donation offered by any city or village desiring the location of such school shall be sufficient to purchase a building already constructed or to purchase material or labor to erect a new main building and such outbuildings as may be necessary; said sum may be all levied in one year, or the board of trustees of the county agricultural and training school created by this act may issue and sell certificates of indebtedness in an amount not to exceed said sum plus any additional amount required to pay the interest that may accrue on such certificates, which interest shall not exceed six per cent per annum and shall be paid annually. Such certificates shall be paid in five equal yearly payments and in case such certificates are issued and sold, it shall be the duty of the county board to levy and spread upon the tax roll a sufficient sum to pay the same as they become due together with accrued interest.

§ 2. After the establishment of such a school the board of county commissioners are hereby empowered and directed to levy and spread on the tax roll a sufficient sum to pay one-half ($\frac{1}{2}$) of the cost of maintenance; it being the intent of this act to establish schools, the yearly cost of maintenance each of which is not to exceed six thousand dollars per year, and of which the state shall pay one-half ($\frac{1}{2}$) and each of such counties one-half ($\frac{1}{2}$).

§ 3. The county treasurer shall be and shall act as the treasurer of the board of trustees and all funds levied and collected for the purpose of establishing and maintaining such a school shall be placed in his hands, the same as all other funds and shall be paid out, on the order of the president of the board of trustees and countersigned by its secretary.

§ 4. There is hereby created for any county desiring to establish such a school a board consisting of five members to be known as "The Board of Trustees" of the county agricultural and training school, of which the county superintendent of schools shall be a member and of which he shall in all cases act as secretary; the other four shall be appointed by the board of county commissioners, two of whom shall serve for the balance of the school year ending June thirtieth, following their appointment and two shall serve until the end of the second school year or until their successors are appointed and have qualified. After the organization of such board of trustees the terms of appointment of the members of such board shall be for a term of two years, the terms of two members expiring at the end of each school year, but no member of the board of county commissioners shall be eligible to appointment on the board of trustees, during his term of office as a member of the board of county commissioners. Vacancies occurring in the board of trustees, excepting in the case of the county superintendent, shall also be filled by appointment by the board of county commissioners within sixty days after they occur.

§ 5. Each person appointed a member of the board of trustees shall within ten days after notice of such appointment, take an oath to discharge his duties faithfully, which oath together with a bond, in the sum of two thousand dollars, shall be filed in the office of the county auditor. Within fifteen days after their appointment the members shall meet and organize by electing one of their number president. The members shall receive no compensation except their actual expenses while going to and from and while attending the meetings of the board of trustees and in the necessary discharge of their official duties in establishing, equipping and maintaining the school. After having determined the amount of money required to establish, equip and maintain the school for one year, the secretary shall make a report of the estimated amount required, to the county auditor, in sufficient time to spread on the tax roll, but any such amount shall be subject to the approval of the board of county commissioners. Should the board of county commissioners deem it advisable to sell certificates of indebtedness in lieu of making a tax levy, it shall be done as required by section one of this act.

§ 6. There is hereby created a state agricultural and training school board which shall consist of the president of the state agricultural college, the state superintendent of public instruction and three practical farmers who shall be appointed by the governor of this state, one of whom shall serve until the end of the first school year, one of whom shall serve until the end of the second school year, and one of whom shall serve until the end of the third school year after the organization of this board; it being the intent of this act after the organization of this

board, that the term of each appointed member of this board shall be for three years and no two of whose term shall expire in the same year. The president of the agricultural college shall be president of this board and the superintendent of public instruction shall be its secretary. This board shall meet at such time and place as its president may direct and shall prescribe the course of study to be pursued in the county agricultural and training schools, which shall include, first instruction in the elements of agriculture including the study of soil, horticulture and plant life, animal life on the farm, a system of farm accounts, and manual training and domestic economy; second, instructions in the common branches and such other branches as are necessary for the training of teachers in the rural schools, in methods of school management and provisions for observation and practice in the art of teaching.

The state board of agricultural and training schools shall determine the qualifications to be required of the principal and other teachers in said school, and the president and secretary of the said state board shall each have a vote in the election of, and fixing the salaries of the principals of said schools. The other teachers shall be elected by the board of trustees of each school established under this act. It is provided that the course of study in the department of agriculture shall be so framed as to co-relate with the courses of study in the state agricultural college so that students from the county schools shall be admitted without examination to the next higher class in the state agricultural college next following that which they have completed in the county school. The superintendent of public instruction and the president of the agricultural college shall visit and inspect each of said schools at least once each year, and make a report to the governor, relating to property management, instruction and efficiency of these schools, and make such recommendations as in their judgment will further the efficiency and usefulness of any or all of such schools.

§ 7. After the board of county commissioners have decided to establish a school it may receive offers of location, as well as money from each village or city desiring to have a school located within or near its boundaries; such offers and location shall be examined and considered by the board of county commissioners after which the board of county commissioners shall accept in the name of the county such site and money or other valuable property in aid of establishing a school as in their judgment may seem best, receiving to all lands bought or donated for a school site a deed in the name of the county. The board of trustees shall thereafter proceed to build such school as soon as all other requirements prescribed by the act theretofore necessary have been complied with.

§ 8. Any school organized under the provisions of this act shall be free to residents of the county contributing to its sup-

port, but whenever students desire admission to the school in sufficient numbers to warrant the organization of special classes for their instruction, such classes shall be organized and continue for such time as the trustees may direct. The board of trustees shall make rules prescribing the conditions under which students may enter who are not residents of such county.

§ 9. When a county has determined as herein provided to establish, equip and maintain a county agricultural and training school, the trustees, shall through the secretary and president make application to the superintendent of public instruction for the establishment of such a school. The application shall be accompanied by a certified statement from the chairman of the board of county commissioners, and the county auditor, that the necessary tax levy will be made for the establishment and maintenance of such school. Such application shall be referred to the state board of agricultural and training schools, who shall determine as to its acceptance or rejection. If the application from any county for the establishment of such school is granted by them, and when subsequently all the provisions of this act are complied with by the county board and board of trustees, the county agricultural and training school shall be considered as established in and for such county, and shall upon its compliance with the other provisions of this act receive aid from the state as provided herein.

§ 10. On the first day of July in each year the secretary of each county agricultural and training school board of each county maintaining a school on the approved list shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the state board of agricultural and training schools. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than nine months during the year closing on the thirtieth day of the preceding June, the superintendent of public instruction, as secretary of such board shall make a certificate to that effect and file it with the state auditor. Upon receiving such certificate the state auditor shall draw his warrant payable to the treasurer of the county maintaining such school a sum equal to one-half ($\frac{1}{2}$) the amount actually expended for maintaining such school during the year; provided, that the total amount as apportioned shall not exceed three thousand dollars in any one year.

§ 11. Any person who shall complete in a satisfactory manner the course of study prescribed for any county agricultural and training school and who shall be of good moral character shall receive a certificate signed by the principal of the school and by the members of the county training school board. Such certificate shall certify that the person named therein has sat-

isfactorily completed the course of study prescribed for the county school and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of such studies pursued in the school. Such certificates shall have the force and effect of a second grade certificate issued by the county superintendent of the county in which the school is located, for a term of two years from the date of its issue; provided that in case the holder thereof has never taught or cannot furnish satisfactory evidence of having successfully taught for at least one school year in the public schools of this state, said certificate shall be of full force and effect for one year only from its date of issue. When satisfactory evidence of successful teaching for at least one year upon said training school certificate shall be furnished to the county superintendent, said superintendent shall remove the limitation, whereupon the training school certificate shall have the full force and effect of a teacher's certificate of the second grade for two additional years. Any school superintendent or officer authorized to grant certificates to teachers in North Dakota is hereby authorized in his discretion to accept standings obtained by the completion of studies in any county and agricultural training school in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of second grade.

§ 12. The county boards of two or more adjoining counties may unite in establishing and maintaining agricultural and training school for teachers for the purpose and on the general plan as provided for in section 1 of this act, and may appropriate money for its maintenance, and whenever two or more counties unite in establishing such school the county superintendent of the county in which the school house is situated shall be ex-officio secretary of the board, and the board of trustees shall consist of two members appointed from each of the counties so uniting in establishing and maintaining such school and no member of any board of county commissioners shall be eligible.

§ 13. Whenever two or more counties unite in maintaining and establishing such school the board of trustees provided for in such cases shall determine the amount of money necessary for the maintenance and equipment of the school for the next succeeding year and annually thereafter. They shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of the real and personal property in each county as fixed by the state board of equalization and shall report to the county auditor of each county on or before the first Monday of May in each year, the amount of apportionment so fixed, and such apportioned amount shall be levied by the board

of county commissioners of each county for the ensuing year for the support of such schools.

§ 14. The county treasurer of the county in which the school is located shall be ex-officio treasurer of the agricultural and training school board, and all moneys appropriated and expended under the provisions of this act shall be expended by the board of said county training school and shall be paid by the said county treasurer on orders drawn by the secretary and countersigned by the president.

§ 15. For the purpose of providing funds for the payment of such claims as the state hereby obligates itself to do and the warrants thereon drawn, there is hereby created a fund to be known as the state agricultural and training school fund.

§ 16. It shall be the duty of the state board of equalization at the time of the levy of the annual tax to estimate the amount required to pay the state's share of the cost of maintaining the county agricultural and training schools established under the provisions of this act, and to levy a special tax of not to exceed one-fifth (1-5) of one mill on the dollar upon the assessed valuation of all property in the state, which tax when collected shall be paid into the hands of the state treasurer who shall at once enter the same into the state agricultural and training school fund. Said fund shall be preserved inviolate for the payment of the state claims provided herein.

Approved March 6, 1911.

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ERRATA

Page 33, section 90, last line should read "clerk" instead of "court clerk."

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